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OF THE

GENERAL ASSEMBLY

OF THE

COMMONWEALTH OF PENNSYLVANIA,

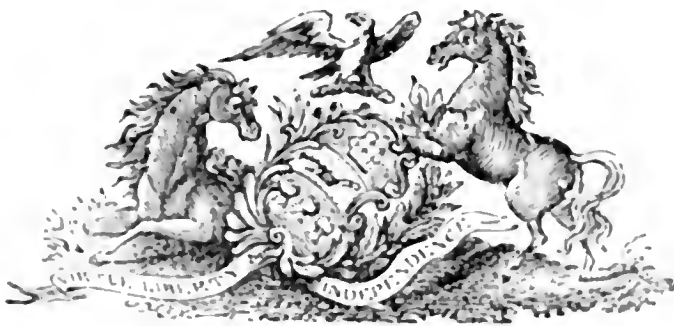
PASSED AT THE SESSION OF 1848.

IN THE

SEVENTY-SECOND YEAR OF INDEPENDENCE.

WITH

AN APPENDIX.



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# L A W S

OF THE

## COMMONWEALTH OF PENNSYLVANIA.

No. 1.

### A SUPPLEMENT

To the act of fifth of May, one thousand eight hundred and thirty-two, entitled  
“An Act regulating lateral railroads.”

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the provisions of the act of the fifth of May, one thousand eight hundred and thirty-two, entitled “An Act regulating lateral railroads,” and the supplement thereto, passed twenty-eighth day of March, one thousand eight hundred and forty, be and the same is hereby extended to the counties of Dauphin, Allegheny, Bedford, Blair and Washington, and shall be so construed as to authorize the construction of lateral railroads, either under or over the surface of any intervening lands, subject to the restrictions of the act to which this is a supplement. Former acts extended to Dauphin, Allegheny, Bedford, Blair and Washington counties.

SECTION 2. The rights and privileges conferred by the act to which this is a supplement, is hereby extended to the owner and owners of coal and iron mines situated in the township of Denison, Luzerne county, more than six miles from the Lehigh navigation, and not more than ten miles from the same. Rights extended to owners of coal and iron mines in Denison township, Luzerne county.

SECTION 3. The rights and privileges as to the acquisition of landings and wharves conferred by the tenth section of the act, entitled “An Act to incorporate the Butler County mutual insurance company, and for other purposes,” passed the twenty fourth day of April, Anno Domini one thousand eight hundred and forty three, upon certain persons therein mentioned or described, shall be extended to all persons proceeding to procure the right to make a lateral railroad under the authority of the act to which this is a supplement, so that they shall be enabled to procure landings or wharves for a compensation of the owner or owners of land, whether said owner or owners of land have any interest in any railroad or not; and the powers and duties conferred upon the jury authorized by the said tenth section, are hereby conferred upon the viewers which may be appointed under the authority of said act to which this is a supplement: *Provided*, That no landing, wharf privilege, or franchise, shall be taken from the owner thereof, if Rights of acquisition extended. Proviso.

in the opinion of the viewers aforesaid, such landing, wharf privilege, or franchise, is necessary to the use and enjoyment of the owner of any mill, quarry, lime kiln, coal mine, or other real estate adjoining any navigable stream or slack-water navigation.

Creditors of the  
Williamsport and  
Elmira railroad  
company may  
continue to use  
the road.  
Proviso.

SECTION 4. That the mortgage creditors of the Williamsport and Elmira railroad company, the owners of the locomotive engines, and a portion of the cars heretofore used on said railroad, shall be permitted still to continue running the same on said road, subject, nevertheless, to such regulations in running the same, as shall, from time to time, be observed in running locomotive engines and cars on the Philadelphia and Columbia railroad: *Provided*, That nothing in this act shall be so construed as to impair the right of the Williamsport and Elmira railroad company, or the sequestrator thereof, to demand and receive the regular toll on all passengers or freight transported on said railroad, by means of the means of the said locomotives and cars.

JAMES COOPER,  
*Speaker of the House of Representatives.*

WM. WILLIAMSON,  
*Speaker of the Senate.*

APPROVED—The sixth day of January, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

## No. 2.

### AN ACT

Authorizing the directors of the common schools in Abington district, Montgomery county, to hold an election to raise an additional tax, and the directors of Upper Dublin township to pay their teachers.

Abington district  
to decide by vote  
on additional  
school tax.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the directors of common schools in Abington district, Montgomery county, shall be authorized to call a meeting of the taxable inhabitants of the district, at any time after the passage of this act, to decide, by ballot, whether any and what additional sum shall be raised for school purposes for the present school year; said meeting to be called in the same manner as is provided for in the fourth section of the act approved the thirteenth day of June, one thousand eight hundred and thirty-six; and that the result of said election shall be as valid and binding on said district, as if the election had been held at the time provided for in the said fourth section of the act of one thousand eight hundred and thirty-six.

Upper Dublin  
township to pay  
teachers.

SECTION 2. The school directors of Upper Dublin township, Montgomery county, are hereby authorized and empowered to defray the expense of educating those children in said township, whose parents



are unable to pay for their education, from the first Monday in June, one thousand eight hundred and forty-six, to the first Monday in June, one thousand eight hundred and forty-seven.

WILLIAM F. PACKER,  
*Speaker of the House of Representatives.*

WM. WILLIAMSON,  
*Speaker of the Senate.*

APPROVED—The eleventh day of January, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

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No. 3.

# AN ACT

Providing for extraordinary repairs on the public works.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That the sum of fifty thousand dollars be and the same is hereby specifically* Appropriation.  
appropriated for extraordinary repairs on the canals and railroads of the commonwealth, during the present fiscal year.

WILLIAM F. PACKER,  
*Speaker of the House of Representatives.*

WM. WILLIAMSON,  
*Speaker of the Senate.*

APPROVED—The twelfth day of January, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

## No. 4.

## SUPPLEMENT

To an act, entitled "An Act authorizing certain trustees under the will of Joseph Parker Norris, to let on ground rent certain parts of his real estate.

Power to sell.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the trustees under the last will of the said Joseph Parker Norris, of the Fair Hill and Sepviva estates, and piece of marsh land on Gunners' creek, in the county of Philadelphia, respectively, and such persons as shall lawfully succeed them in their respective trusts, whether by appointment of a court of this commonwealth or otherwise, shall have power, and they are hereby authorized, from time to time, to sell and convey in fee simple such part and parts of the said premises, of which they are or shall be trustees, and to sell any ground rents heretofore created, or which shall hereafter be created by them, as they may deem expedient, and appropriate the proceeds of such sales to the construction of common sewers, and to the grading, curbing and paving both foot and carriage way, of such street or streets as may be lawfully laid out on their respective estates; and also, for the purpose designated in the second section of this act: the purchaser or purchasers in no case to be responsible for the application of the purchase money: *Provided,* That the majority of all the persons having a vested interest at the time of such sale shall consent thereto.

Pay expenses out of proceeds of sale.

SECTION 2. That the said trustees, and their respective successors in the said trust, be and they are hereby further authorized to pay out of the proceeds of the sales hereinbefore mentioned, all commissions, expenses and damages necessary to or growing out of their respective trusts: *Provided,* The said sale or sales shall be approved of by the court of common pleas for the city and county of Philadelphia.

WILLIAM F. PACKER,  
*Speaker of the House of Representatives.*

WM. WILLIAMSON,  
*Speaker of the Senate.*

APPROVED—The twelfth day of January, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

## No. 5.

## A N A C T

Fixing the place for holding the elections in the borough of Towanda, Bradford county, and in the townships of Mead and Pittsfield, in Warren county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the qualified electors of the borough of Towanda, in the county of Bradford, shall hereafter hold their general and borough elections at the house now occupied by George W. Mersereau, in said borough.

SECTION 2. That the township of Mead, in the county of Warren, shall form and constitute an election district, and the qualified electors thereof shall hereafter hold their general and township elections at the house of Alson Rogers, in said township.

SECTION 3. That the qualified electors of the township of Pittsfield, in the county of Warren, shall hereafter hold their general and township elections at the house of J. L. Acocks, in said township.

WILLIAM F. PACKER,  
*Speaker of the House of Representatives.*

WM. WILLIAMSON,  
*Speaker of the Senate.*

APPROVED—The thirteenth day of January, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

## No. 6.

## A N A C T

To confirm the title of a lot of ground in the city of Philadelphia.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That so much of the statutes of mort main, and of any other disabling laws, acts or statutes, as tends to invalidate the title to a lot of ground, and the buildings thereon erected, situate on the east side of Thirteenth street, in the city of Philadelphia, at the distance of one hundred feet north of Spruce street, containing in front fifty feet, and in depth one hundred and eighty-eight feet, to Dean street, be and the same are hereby

## LAWS OF PENNSYLVANIA,

repealed, and the title of Cornelius S. Smith, the owner of said lot, is confirmed, as if said statutes, laws or acts had never been in force.

WILLIAM F. PACKER,  
*Speaker of the House of Representatives.*

WM. WILLIAMSON,  
*Speaker of the Senate.*

APPROVED—The thirteenth day of January, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

No. 7.

## AN ACT

To extend the time of holding the March term of the several courts for Beaver county, and to change the time of holding the courts in Greene county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* hereafter the several courts for Beaver county, fixed by law to be held for the March term in said county, shall commence as heretofore on the second Monday of March, in each and every year, and continue two weeks, if the business depending in said courts shall require it.

Time of holding  
courts in Beaver  
county.

SECTION 2. That from and after the present March term, eighteen hundred and forty-eight, the terms of the several courts in Greene county shall commence and be held on the following days in each and every year, in lieu of those on which they are now held, to wit: on the second Monday of February, third Monday of May, second Monday of August and the first Monday of November, to continue each one week, if necessary.

Time of holding  
courts in Greene  
county.

WILLIAM F. PACKER,  
*Speaker of the House of Representatives.*

WM. WILLIAMSON,  
*Speaker of the Senate.*

APPROVED—The twentieth day of January, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

## No. 8.

## AN ACT

Confirming the title to certain real estate late of Doctor John Jones, deceased.

WHEREAS, Doctor John Jones, late of Upper Dublin township, Montgomery county, Pennsylvania, deceased, who died on the twenty-ninth day of June, one thousand eight hundred and forty-five, by his last will and testament, dated the fourteenth day of May, Anno Domini one thousand eight hundred and forty, and proved the fourth day of July, one thousand eight hundred and forty-five, and remaining in the register's office of said county, inter alia, directed that certain of his real estate, constituting part number one and part number two, mentioned in said will, should be valued and appraised within three months after his decease, in the manner directed in said will, in two separate parts, and devised the said parts to his sons, Joshua Y. Jones and Charles D. Jones, at the valuation so made on the terms mentioned in the will, the said sons to agree as to the part each one should take; and in case they could not agree as to such partition, choice or division among themselves, or should decline and refuse to accept such real estate at the appraised price, the testator ordered and directed the same to be sold by his executors at public sale, within one year after his decease, on the terms and conditions mentioned in the will; and on the sale of all or any part of his real estate, he authorized and empowered his executors to execute deeds of conveyance for the same to the purchasers thereof, in fee simple; the proceeds of the sales, to be accounted for in the aggregate of his estate, which is disposed of by said will: Preamble.

*And whereas,* The said real estate, directed to be valued as aforesaid, was duly valued and appraised within the time required by said will, and the said Joshua Y. Jones and Charles D. Jones declined and refused to take any part of said real estate, at the valuation thereof, under said will, whereby the said real estate was required to be sold, according to said will:

*And whereas,* The executors of said will, after having given due public and timely notice of the time and place of sale, exposed to sale by public vendue or outcry, on the premises, a messuage and tract of land of eighty-nine acres and eight perches, more or less, number one, in said will; also, a messuage and tract of land of ninety-three acres and one hundred and twenty-three perches, more or less; and a tract of land of twenty-three acres and eighty-five perches; and a tract or piece of land of six acres and one hundred and forty-eight perches; which together constituted the said part number two, valued and appraised as aforesaid, on the twelfth day of November, one thousand eight hundred and forty-five, and within one year after testator's death, pursuant to his will, but were unable to sell the said messuage and ninety-three acres and one hundred and twenty-three perches, and the said twenty-three acres and eighty-five perches of land, for want of bidders; and the said executors, after again giving the like due public and timely notice as aforesaid, again exposed the said messuage and tracts of land to sale at public sale, on the premises, in manner aforesaid, on the twenty-sixth day of October, one thousand eight hundred and forty-six, but were unable to sell the same for want of bidders;

and the said executors, after again giving the like due public and timely notice aforesaid, again exposed the same messuage and tracts of land, so remaining unsold, to sale at public sale, on the premises, in manner aforesaid, on the first day of February, one thousand eight hundred and forty-seven, and sold the said messuage and ninety-three acres and one hundred and twenty-three perches, more or less, to Jonathan Shay, for the sum of eighty dollars per acre, amounting to seven thousand five hundred dollars, that being the highest price bidden; and the said tract of land of twenty-three acres and eighty-five perches, to Robert Tomlinson, for the sum of seventeen hundred and eighty-eight dollars and thirty-seven cents, that being the highest price bidden for the same, on the terms and conditions provided in said will:

*And whereas*, Doubts have arisen whether, under said will and testament, the said sales, made more than a year after testator's death, although efforts were made to sell within the year, and deeds conveying the said premises so sold, to the said purchasers respectively, in fee, would vest a good and complete title in fee for said premises, in the said purchasers:

*And whereas*, Upon the payment and securing of the said purchase money, agreeably to said will, to be accounted for by said executors, the said purchasers should be made secure; and the heirs and legatees of the testator, and the heirs of such heirs and legatees, be divested of all right, interest and claim, in and to said real estate, sold and conveyed as aforesaid, under said will, or otherwise. For remedy whereof, therefore,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same*, That the executors of the last will and testament of Doctor John Jones, above named, are hereby authorized and empowered, upon and after the payment of the purchase money bidden for the said messuage and tract of land of ninety-three acres and one hundred and twenty-three perches, more or less; and the said tract of twenty-three acres and eighty-five perches of land, by the said Jonathan Shay and said Robert Tomlinson, respectively, on securing the same, agreeably to said will and the conditions of sale, to execute and deliver to the said respective purchasers, a deed of conveyance for the premises sold to each as aforesaid, in fee simple; and the deeds of conveyance, which may heretofore have been executed, or may hereafter be executed as aforesaid, for either of the said tracts of land, with the appurtenances, or any part thereof, shall be deemed, held, taken and construed, to vest the title to the premises so conveyed in the purchaser thereof, or grantee in fee simple, as fully and completely, to all intents and purposes, as if the sale and conveyance of such premises had been made within one year after said testator's death; and the heirs and legatees of the said testator, and the heirs of such heirs and legatees, shall thereafter be forever debarred from all right, title and interest, in the lands and tenements sold and conveyed as aforesaid: *Provided*, The said executors shall account for the proceeds of the said sales; and the same shall be distributed as is provided in said will, in the same manner, as if the said premises had been sold and conveyed within one year after the said testator's death.

To execute a deed.

Proviso.

WILLIAM F. PACKER,

*Speaker of the House of Representatives.*

WM. WILLIAMSON,

*Speaker of the Senate.*

APPROVED—The twentieth day of January, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

## No. 9.

## AN ACT

To authorize Yeamens M. Gillingham, Howard Williams and Charles Williams, administrators of the estate of Samuel Williams, deceased, to mortgage, or sell and convey certain real estate.

WHEREAS, Samuel Williams, late of the county of Philadelphia, died intestate, in the month of October, one thousand eight hundred and forty-six, seized of a large amount of real estate, consisting of building lots and improved property, situate in the city and county of Philadelphia, upon which there existed at the time of his death, and still exist, numerous mortgages and other incumbrances: Preamble.

*And whereas*, Said Samuel Williams left two children and heirs, to wit: Samuel H. Williams and Deborah P. Gillingham, formerly Deborah P. Williams, now wife of Yeamens M. Gillingham, both of whom, being of full age, have petitioned the legislature for the passage of an act to authorize the administrators of their father's estate, by and with their, the petitioners', consent and approbation, to mortgage or sell and convey such portion or portions of said estate, as will enable them, the administrators, to satisfy and liquidate such mortgages, debts or other incumbrances as may become due, or the satisfaction and liquidation of which may be considered conducive to the petitioners' interests: therefore,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That Yeamens M. Gillingham, Howard Williams and Charles Williams, administrators of the estate of Samuel Williams, late of the county of Philadelphia, deceased, (or the survivors or survivor of them,) be and they are hereby authorized and empowered, with the written approbation and consent of Samuel H. Williams and Deborah P. Gillingham, children and only heirs of said Samuel Williams, deceased, given under their hands and seals, duly acknowledged, to raise by sale and conveyance in fee simple of any portion or portions of the real estate belonging to the estate aforesaid, or borrow on mortgage thereof, such sum or sums of money as will be necessary and sufficient to satisfy and discharge such mortgages, debts and other incumbrances as may at present or hereafter exist against said estate, and to which purpose (after first deducting all reasonable expenses) the proceeds of all such sale or sales, mortgage or mortgages, shall be applied, and the purchaser or purchasers, mortgagee or mortgagees, as the case may be, shall not be responsible for the application of the purchase or consideration money, or money loaned on mortgage under and by authority of this act; but before such sale or sales, mortgage or mortgages, shall be effected, the administrators aforesaid shall give bonds in such an amount as the orphans' court of Philadelphia county shall determine, for the faithful application of the money which may come into their hands by virtue of any sale or May sell or borrow on mortgage.

## LAWS OF PENNSYLVANIA,

sales, mortgage or mortgages, effected by them, and for the faithful execution of the trust executed under and by authority of this act.

WILLIAM F. PACKER,  
*Speaker of the House of Representatives.*

WM. WILLIAMSON,  
*Speaker of the Senate.*

APPROVED—The twenty-second day of January, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

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No. 10.

## AN ACT

Confirming the election of a justice of the peace in Allegheny county.

Preamble.

WHEREAS, At an election held in the township of Lower St. Clair, in the county of Allegheny, at the usual place for holding elections for justices of the peace and other township officers in said county, on the seventeenth day of March, one thousand eight hundred and forty seven, William Willson, a citizen of the said township, duly qualified for that purpose, was elected by a majority of the qualified electors of the said township, to the office of justice of the peace therein, to supply a vacancy occasioned by the resignation of Jonathan P. Ross :

*And whereas,* From the time and manner of the resignation of the said Ross, doubts have been entertained whether such vacancy existed at the period of said election, as would authorize the election of a successor, or the issuing of a commission to the individual thus elected; therefore,

Election confirmed.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the election of William Willson, on the seventeenth day of March, one thousand eight hundred and forty-seven, as a justice of the peace for Lower St. Clair township, Allegheny county, be and the same is hereby declared to be good and valid, and sufficient in law, and the governor is hereby authorized to issue a commission, in the usual form, to the said William Willson, anything in the time of the said resignation, or the manner and time of the said election, to the contrary notwithstanding: *Provided,* That this act shall not be construed to invalidate any official act of said Ross, prior to the passage of this act.

WILLIAM F. PACKER,  
*Speaker of the House of Representatives.*

WM. WILLIAMSON,  
*Speaker of the Senate.*

APPROVED—The twenty-second day of January, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.



## No. 11.

## AN ACT

## Regulating election districts.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That hereafter the qualified voters in South Mahoning township, in the county Indiana. of Indiana, shall hold their township and general elections at the house now occupied by James Hays, in the village of Plumville, in said township.

SECTION 2. That hereafter the qualified voters of Canoe township, in Indiana county, shall hold their township and general elections at the Indiana. house now occupied by George Smith, in said township ; and that John Miller, of said township, is hereby appointed judge, and John Pollock and James Gallaher, are hereby appointed inspectors, who will hold and conduct the township election, for said township of Canoe, in February next, for the election of the usual township officers for the ensuing year; that the said judge and inspectors shall, in holding and conducting said township election, have the same authority, in like manner, as is required, and prescribed, and directed in the act relating to the elections of the commonwealth of Pennsylvania, passed the second day of July, one thousand eight hundred and thirty-nine.

SECTION 3. That the qualified voters of Montgomery township, Indiana county, shall hereafter hold their general and spring elections at Indiana. the house now occupied by Samuel Spaker, in said township ; and that Jeremiah M'Allister, of said township, be and he is hereby appointed judge, and Samuel Irwin and James R. Gailey be and they are hereby appointed inspectors of said spring elections.

SECTION 4. That hereafter the qualified voters of Bloomsburg town- Columbia. ship, in the county of Columbia, shall hold their general elections in the court house in the town of Bloomsburg.

SECTION 5. That hereafter the qualified voters of East Finley town- ship, county of Washington, shall hold their township and general Washington. elections at the house of Joseph Martin, on the farm of William Brown Lee.

WILLIAM F. PACKER,  
*Speaker of the House of Representatives.*

WM. WILLIAMSON,  
*Speaker of the Senate.*

APPROVED—The twenty-second day of January, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

## No. 12.

## A N A C T

Vesting the fee simple of a certain street in Hartford, Crawford county, in James Wright.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* so much of a certain street, lying in the village of Hartford, in the county of Crawford, known by the name of Pine street, lying between Liberty street and the embankment of the reservoir, is hereby vacated, and the fee simple of said street so vacated, is hereby vested in James Wright; that this shall be, in full of all claims against the commonwealth, for damages done to the property of the said James Wright, by the construction of the embankment of the reservoir: *And provided, The said James Wright release the commonwealth from said damages.*

WILLIAM F. PACKER,  
*Speaker of the House of Representatives.*

WM. WILLIAMSON,  
*Speaker of the Senate.*

APPROVED—The twenty-sixth day of January, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

## No. 13.

## A N A C T

To authorize Hugh De Haven to sell certain real estate.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* Hugh De Haven, with the consent of Joseph A. Atlee and Amelie, his wife, Robert L. Williams and Julianna D., his wife, Samuel J. Atlee and Emma M. Atlee, testified by their joining in the conveyance, be and he is hereby authorized and empowered to sell, for cash, or on credit, at public or private sale, in fee simple, so much of a tract of land situate in the county of Centre, in the state of Pennsylvania, called "Good Resource," conveyed by deed, dated the twentieth day of May, one thousand eight hundred and nineteen, and recorded in said county of Centre, in deed book G, page one hundred and sixty,

and so forth, to the said Hugh De Haven, in fee simple, in trust, as will repay the said trustee, Hugh De Haven, certain advances made by him, amounting to the sum of one thousand and fifty dollars, with interest, from the first day of January, one thousand eight hundred and forty-eight, and to convey the same, in fee simple, to the purchaser or purchasers thereof, in whom the title shall be as fully vested as if any parties who may become entitled under the said deed had joined in the conveyance; and the same shall be taken discharged from all trusts under the said deed, and without liability as to the application of the purchase money: *Provided*, That the quantity so sold shall not exceed fifty acres: *And provided further*, That the said sale shall be approved by the orphans' court of Centre county, before the said trustee shall make a deed to the purchaser.

WILLIAM F. PACKER,  
*Speaker of the House of Representatives.*  
WM. WILLIAMSON,  
*Speaker of the Senate.*

APPROVED—The twenty-sixth day of January, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

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No. 14.

### A N A C T

To provide for the payment of the interest on the public debt of this Commonwealth, falling due on the first days of February and August of the present year.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same*, That the sum of two millions of dollars, or so much thereof as may be necessary, be and the same is hereby appropriated to the payment of the interest on the funded debt of this commonwealth, which will fall due on the first day of February and on the first day of August, one thousand eight hundred and forty-eight: *Provided*, That the payments hereby authorized shall be made in such funds as may be in the treasury; and such portion of said fund as may not be at par in the city of Philadelphia, shall be paid out in proportion to the several amounts due for the interest provided for in this act.

WILLIAM F. PACKER,  
*Speaker of the House of Representatives.*  
WM. WILLIAMSON,  
*Speaker of the Senate.*

APPROVED—The twenty-sixth day of January, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

No. 15.

## AN ACT

Authorizing the field officers of the first brigade, ninth division, Pennsylvania militia, to hold courts of appeal in certain cases.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the field officers, or any three of them, of the respective regiments of the first brigade, ninth division, Pennsylvania militia, be and they are hereby authorized and required to hold courts of appeal, at such times and places as may be designated by the colonel of each regiment, for the purpose of exonerating collectors of militia fines from the payment of such fines, as cannot be collected for the years one thousand eight hundred and forty-one, and one thousand eight hundred and forty-two, and to certify their proceedings to the auditor general, who is authorized, upon the receipt thereof, to re-settle the account of Joseph S. Titus, late inspector of said brigade.

WILLIAM F. PACKER,  
*Speaker of the House of Representatives.*

WM. WILLIAMSON,  
*Speaker of the Senate.*

APPROVED—The twenty-sixth day of January, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

No. 16.

## AN ACT

To authorize the auditor general to open and re-settle the accounts of Amherst Carpenter, brigade inspector.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the auditor general of the commonwealth of Pennsylvania, be and is hereby authorized to open and re-settle the accounts of Amherst Carpenter, brigade inspector of the third brigade, eighth division, Pennsyl-

vania militia, and to allow the said Amherst Carpenter such credits, as he may find him justly entitled to.

WILLIAM F. PACKER,  
*Speaker of the House of Representatives.*  
WM. WILLIAMSON,  
*Speaker of the Senate.*

APPROVED—The twenty-sixth day of January, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

No. 17.

## AN ACT

To authorize the clerk of the orphans' court of York county, to execute a deed for real estate of Philip Gardner, deceased, to John G. Campbell.

WHEREAS, Under an order of the orphans' court of York county, James Lewis, administrator de bonis non, with the will annexed of Philip Gardner, deceased, sold certain real estate of said Philip Gardner, situate in Hellam township, in said county, adjoining property of Samuel Landis, David Stoner, Michael Rudy and others, to John G. Campbell, who obtained possession of the same; which sale was duly confirmed by said orphans' court, and said purchaser, John G. Campbell has, since the death of said James Lewis, been appointed administrator de bonis non, with the will annexed of said Philip Gardner, and has given security, and is desirous of obtaining a lawful deed for said real estate; therefore,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the clerk of the orphans' court of York county be and is hereby authorized to execute to said John G. Campbell, a deed for said real estate, which shall vest in him all the interest and estate of said Philip Gardner, in the same, immediately before, and at the time of his death.

WILLIAM F. PACKER,  
*Speaker of the House of Representatives.*  
WM. WILLIAMSON,  
*Speaker of the Senate.*

APPROVED—The twenty-sixth day of January, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

## No. 18.

## A SUPPLEMENT

To an act relating to last wills and testaments, passed the eighth day of April, eighteen hundred and thirty-three.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That every last will and testament heretofore made, or hereafter to be made, excepting such as may have been finally adjudicated prior to the passage of this act, to which the testators name is subscribed, by his direction and authority, or to which the testator hath made his mark or cross, shall be deemed and taken to be valid in all respects: Provided, The other requisites, under existing laws, are complied with.*

WILLIAM F. PACKER,  
*Speaker of the House of Representatives.*

WM. WILLIAMSON,  
*Speaker of the Senate.*

APPROVED—The twenty-seventh day of January, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

## No. 19.

## AN ACT

To authorize the trustees of the Second Baptist church and congregation of Philadelphia, to sell and convey certain real estate.

Power to sell.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That David F. Stewart, Franklin Lee, John Siner, William Vandike, Thomas Sager, John Kuhn and Charles J. M'Ewen, trustees of the Second Baptist church and congregation of Philadelphia, or their successors in office, be and they are hereby authorized and empowered to sell and convey, by deed or deeds, to the purchaser or purchasers, a certain lot or piece of ground situate in the Northern Liberties, county of Philadelphia, beginning on the west side of New Market street, (formerly Budd street) at the distance of two hundred and twelve feet ten inches and a-half northward from the northwest corner of Poplar street and New Market street, being a corner of ground belonging to the trustees*

of the Second Baptist church and congregation; thence by the said ground westward, at right angles with said New Market street, fifty-six feet more or less; thence southward, adjoining remaining property belonging to the trustees of the Second Baptist church and congregation, by a line parallel with the said New Market street, sixty feet more or less; thence by ground belonging, or late belonging to William Phillips, eastward at right angles with the said New Market street, fifty-six feet more or less; and thence northward along the west side of the said New Market street, sixty feet more or less, to the place of beginning, being a part of the same ground which Isaac Johnson and others, by deed of indenture of the twenty first of June, eighteen hundred and eight, recorded in the office for recording of deeds for the city and county of Philadelphia, in deed book A M, number forty-one, page three, granted and conveyed to the trustees of the Second Baptist church and congregation, their successors and assigns forever, subject to an irredeemable ground rent of one hundred and twenty dollars per annum.

WILLIAM F. PACKER,  
*Speaker of the House of Representatives.*

WM. WILLIAMSON,  
*Speaker of the Senate.*

APPROVED—The twenty-seventh day of January, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

No. 20.

## A FURTHER SUPPLEMENT

To the acts relative to the Pittsburg and Butler turnpike road company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That the act, entitled "A supplement to the acts relative to the Pittsburg and Butler turnpike road company," passed the seventh day of March, eighteen hundred and forty-two, be and the same is hereby repealed; and the managers elected by the stockholders of said company, who were in office at the time of the passage of said act, are hereby reinstated and continued in office until the regular period for holding annual elections, as prescribed by the charter of said company.*

WILLIAM F. PACKER,  
*Speaker of the House of Representatives.*

WM. WILLIAMSON,  
*Speaker of the Senate.*

APPROVED—The twenty-ninth day of January, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

## No. 21.

## A FURTHER SUPPLEMENT

To an act, entitled "An Act for establishing a health office, and to secure the city and port of Philadelphia from the introduction of pestilential and contagious diseases, and for other purposes," passed January twenty-nine, one thousand eight hundred and eighteen, and the several supplements thereto.

**SECTION 1.** *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* The jurisdiction, powers, duties and authority of the board of health, shall extend to and over the city of Philadelphia, the incorporated districts of the Northern Liberties, Kensington, Richmond, Spring Garden, Penn and Southwark, and the township of Moyamensing; and all violations of health laws now punished, or hereafter to be punished, by fine, forfeiture, imprisonment or otherwise, shall be prosecuted and sued for, if committed within the jurisdiction of the board, in like manner, and as fully and to all intents and purposes, as if any of the said places had been especially named.

Powers and duties extended.

**SECTION 2.** Whenever any penalty, given by law to the board of health, is not fixed and definite in amount, but varies at the discretion of the court, the same shall, in such cases, be collected and recovered only by indictment.

Recovery of penalties.

**SECTION 3.** The several provisions of the resolutions of May twenty-nine, one thousand eight hundred and forty, relative to privy wells, are hereby declared to be, in all respects, in full force; and any constable, police officer or watchman, is hereby authorized to seize and detain all carts, horses, and implements, and apparatus, actually taken with any person or persons, detected in any violation of said resolutions, and deliver the same to the board of health for safe keeping, and as security for the payment of the penalties given by said resolutions, and all other laws on the same subject.

Provisions in respect to privy wells declared to be in force.

**SECTION 4.** If any privy filth be spilled from a cart upon any street, lane, alley, road or highway, within the limits of the jurisdiction of the board of health, the same shall be adjudged to be an unauthorized deposit, and punished as such.

Offence to be adjudged.

**SECTION 5.** From and after the passage of this act, it shall not be lawful for any person to remove the contents of any privy well, within the limits of the jurisdiction of the board of health, unless first licensed by the board of health to do so; and any person offending against the provisions of this section, shall, for every such offence, forfeit and pay to the board of health the sum of fifty dollars: *Provided,* That the board of health may, from time to time, by resolution or otherwise, exempt, from the operation of this, or any other law on the subject of nuisances, such portions of the territory under their jurisdiction, being a rural district, or sparse in population, as in their opinion they may do with safety to the health and comfort of the inhabitants thereof.

Licenses to be obtained.

Proviso.

Application for a license to be made in writing.

**SECTION 6.** Any person desirous of being licensed to empty, or remove the contents of privy wells, shall make application, in writing, to



the board of health, who, on being satisfied with the character of the applicant, and the construction of his carts, shall, under the rules and regulations they make in relation thereto, grant him a license for one year; and the same may renew, from year to year, as they may deem proper; and for every license so granted, and for every renewal thereof, the board of health shall receive from the party applying therefor, the sum of one dollar; and for every permit for removing the contents of any privy, he shall pay to the board of health, at the time said permit is granted, fifty cents, if between the first day of October and first day of the next June, and five dollars if between the first day of June and the first day of the next October, to be re-paid to him by the person or persons employing him to empty or cleanse such privy well: *Provided*, Proviso. *nevertheless*, That the price for a permit to clean a privy, declared to be a nuisance by the board of health, shall be one dollar, between the first day of October and the first day of the next June, payable in like manner: *And provided also*, Proviso. That in the case of permits, granted by the board, for removing the contents of privies, which are in the way of building or of improvements, which cannot be effected without such removal, as also for removing the contents of privies, which have become accidentally a nuisance to the houses to which they are attached, or the neighborhood, the charge for such permits, at all seasons of the year, shall be but fifty cents; and any person so licensed, offending against any of the provisions of this or any other law on the same subject, shall, by the vote of a majority of the board, forfeit his license, and be disqualified to have the same again granted to him for such period, not exceeding three years, as they may determine; and he shall also be subject to all fines, pains and penalties, given by law, for any violation thereof.

SECTION 7. It shall and may be lawful for the board of health to sell and dispose of absolutely, in fee simple, with or without reservation of a ground rent or ground rents, the buildings and lot of ground situate to the north-west of Bush Hill, in the district of Spring Garden, in the county of Philadelphia, now used by them as a public hospital, and to make and execute one or more good and sufficient deed or deeds, in fee simple, to the purchaser or purchasers thereof, without any liability on the part of such purchaser or purchasers, to see to the application of the purchase money, or any part thereof; and with the proceeds of such sales and dispositions, they shall purchase a suitable tract or piece of land, within three miles of the city of Philadelphia, and shall forthwith erect thereon suitable buildings for a public hospital; and the same, when finished, shall be taken and used, as and for a public hospital, to all intents and purposes, as the said hospital, near Bush Hill, is at present taken and used: *Provided*, Board of health authorized to sell certain real estate. That the county of Philadelphia shall not be called on to defray any portion of the expenses incurred in the purchase of the ground and erection of the new hospital. Proviso.

SECTION 8. No vessel shall be permitted to leave the Lazeretto without first giving security, to be approved by the board of health, for the payment of all expenses of said vessel and of passengers, or other persons imported therein, which said vessels, their captains, owners or consignees, are by law made liable. Vessels to give security.

SECTION 9. From and after the passage of this act, the district of Penn be authorized to elect one member, and the district of Richmond one member of the said board of health, in such manner and at such times, as members of the board of health are elected by the district of Spring Garden. Additional members to be elected.

## LAWS OF PENNSYLVANIA,

Repeal.

SECTION 10. All laws, or parts of laws, inconsistent with any of the provisions of this act, or supplied thereby, are hereby repealed.

WILLIAM F. PACKER,  
*Speaker of the House of Representatives.*

WM. WILLIAMSON,  
*Speaker of the Senate.*

APPROVED—The third day of February, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

No. 22.

## A N A C T

Relative to the trust estate of Susannah Stewart.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That the court of common pleas of Philadelphia county is hereby authorized, at its discretion, to direct and require the trustee, under a certain indenture, a deed of trust, executed by Paul C. Stewart and Susannah Stewart, his wife, on the fifteenth of May, one thousand eight hundred and thirty, and recorded in the office for recording deeds for the city and county of Philadelphia, in deed book A M, No. two, page one hundred and eighty-four, on the seventeenth day of May, one thousand eight hundred and thirty, whereby certain personal estate, belonging to the said Susannah, was intended to be secured to herself and children, to reconvey the same to the said Susannah, and upon such conveyance and transfer of the said property, to discharge the trustee from all liability on account of the said trust: Provided, That such authority shall not be exercised, except on the application of the said Susannah, to be made in writing, to the said court.*

WILLIAM F. PACKER,  
*Speaker of the House of Representatives.*

WM. WILLIAMSON,  
*Speaker of the Senate.*

APPROVED—The third day of February, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

## No. 23.

## A SUPPLEMENT

To the act, entitled "An Act laying a tax on dogs in the borough of West Chester, and certain townships in the county of Chester, and for other purposes," passed April fourteenth, one thousand eight hundred and forty-six.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That hereafter the auditors of the township of West Fallowfield, Chester county, shall cause the tax levied by them on dogs, in said township, under the provisions of the act of the general assembly of the fourteenth of April, one thousand eight hundred and forty-six, entitled "An Act laying a tax on dogs in the borough of West Chester, and certain townships in the county of Chester, and for other purposes," to be collected by the proper collector of state and county taxes in said township, and paid over by the said collector to the town clerk, or person filling the office of treasurer of the sheep fund in the said township; and all provisions of the said act of the fourteenth of April, one thousand eight hundred and forty-six, inconsistent herewith, are hereby repealed: *Provided*, That the said auditors shall have power, if they see occasion, Proviso. to require from the person collecting the said dog tax, satisfactory security for the faithful performance of this trust.

WILLIAM F. PACKER,  
*Speaker of the House of Representatives.*

WM. WILLIAMSON,  
*Speaker of the Senate.*

APPROVED—The third day of February, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

No. 24.

## AN ACT

Declaring the West Branch of Clarion river, in the county of Elk, a public highway.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That from and after the passage of this act, the West Branch of Clarion river, in the county of Elk, is hereby declared a public highway, from its mouth to Buena Vista, a distance of about six miles up the said West Branch.*

Elk creek declared a public highway.

SECTION 2. That Elk creek, in the county of Elk, from its mouth to the first forks below Saint Mary's, be and the same is hereby declared a public highway.

WILLIAM F. PACKER,  
*Speaker of the House of Representatives.*

WM. WILLIAMSON,  
*Speaker of the Senate.*

APPROVED—The seventh day of February, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

No. 25.

## AN ACT

For the relief of certain devisees under the will of George Pepper, deceased.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That Mary Pepper, Henry Pepper, George S. Pepper, William Pepper, Isaac Norris and Michael Baker, executors of the last will and testament of George Pepper, deceased, late of the city Philadelphia, and trustees under the said will of the respective shares of his estate, allotted them in pursuance of the directions of said will, in trust, for the five children of the said George Pepper, in his said will specified, be and they, and the survivors and survivor of them are, and is hereby authorized, at the request of either of the said five children, cestui que trusts aforesaid, to pay to him or her, out of the principal of his or her respective share of the estate of the said George Pepper, deceased, the*

sum of five thousand dollars, for the purpose of furnishing and fitting up for them, “as a residence, a suitable dwelling house: *Provided however*, That if either of the three sons of the said George Pepper, deceased, cestui que trusts hereinbefore mentioned, shall receive and take the said sum of five thousand dollars, or any part thereof, for the purpose of fitting up and furnishing his residence as aforesaid, then, in such event, he shall not be entitled to receive, out of his share of the estate, the whole sum of twenty thousand dollars, as provided and directed in the said will of George Pepper, deceased, to be paid to him, for the purpose of enabling such son to go into business; but the sum so to be paid to him for such purpose, shall be the difference between the said sum of twenty thousand dollars, and the amount so received and taken by him for the fitting up and furnishing his said residence.

WILLIAM F. PACKER,  
*Speaker of the House of Representatives.*

WM. WILLIAMSON,  
*Speaker of the Senate.*

APPROVED—The seventh day of February, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

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No. 26.

## AN ACT

Relative to the estate of Thomas B. Coleman, deceased.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the orphans' court of Lebanon county shall have full power and jurisdiction, on the application of any of the heirs of Thomas B. Coleman, late of said county, deceased, to appoint seven, or more, disinterested persons residing in the counties of Lebanon, Lancaster and York, chosen on behalf, and with the consent of the parties; or if the parties cannot so agree, to issue their writ to the sheriff of Lebanon county, directing him to summon an inquest from the counties aforesaid, to make partition or valuation of the real estate of the said Thomas B. Coleman, situate in the counties of Lebanon, Lancaster, York, Adams, Dauphin and Berks; the said estate, consisting of the lands, tenements and hereditaments, known as the Cornwall furnace estate, and situate in the counties of Lebanon, Lancaster and Berks; the lands, tenements and hereditaments, known as the Colebrook furnace estate, and situate in the counties of Lebanon, Lancaster and Dauphin; the lands, tenements and hereditaments known as the Speedwell and Hopewell forges estates, and situate in the counties of Lancaster and Lebanon; the lands, tenements and hereditaments known as the Spring Forge estate, and situate in the counties of York and Adams; the lands, tenements

Orphans' court  
to decree an in-  
quest.

Description of  
property.

and hereditaments known as the Castle Finn forge estate, situate in the county of York, and other lands and tenements situate in the aforesaid counties; and the said seven, or more, men appointed by consent as aforesaid, or the said inquest, and upon their return the said court may, and shall further proceed therein, in all respects, as if all the said lands were in Lebanon county; and any recognizance taken in pursuance of such proceedings, shall be effectual to all intents and purposes, as if the said lands bound by it, were wholly within Lebanon county: *Provided*, That an exemplification of the proceedings which may be had shall, within sixty days after the final decree therein, be delivered to the clerk of the orphans' court of each county in which any part of the said estate is situate, which shall be entered on the records of the said court, at the joint expense of all parties concerned.

**SECTION 2.** The jurisdiction of the said orphans' court, in the partition or valuation of the aforesaid real estate, shall extend to any undivided interest, in fee simple, in any lands of which the said Thomas B. Coleman, died seized, as tenant in common with any other person or persons, as fully as if the said Thomas B. Coleman was solely seized thereof at the time of his death; and the said seven, or more, men chosen by consent as aforesaid, or the said inquest, shall return such undivided interest, either by itself, or in connection with some other portion of said real estate, valued as one of the purparts or shares into which they may divide the whole of the said real estate, or shall apportion such undivided interest in undivided parts or parcels, and return each undivided part or parcel thereof, in connection with some other portion of the said estate, valued as one of the purparts, or shares, into which they may divide the whole of the aforesaid real estate; and upon the return thereof, the proceedings shall be the same as is herein provided, and as in other cases of partition in the orphans' court.

**SECTION 3.** The said seven, or more, men appointed as aforesaid, or the said inquest, and the said orphans' court of Lebanon county, shall have jurisdiction as aforesaid, and shall proceed in the same manner, in respect to the partition or valuation of certain lands and tenements, situate in the counties of Lebanon, Lancaster, Dauphin and York, purchased by, and conveyed to John Reynolds since the death of the aforesaid Thomas B. Coleman, deceased, and now used with the several furnaces and forges aforesaid; and any recognizance taken in pursuance of such proceedings, shall as effectually bind the same, as if they were wholly situate in the county of Lebanon, had been held by the said Thomas B. Coleman, in his life time, and had, at his death, descended to, and vested in his heirs, by virtue of the intestate laws: *Provided*, That an exemplification of the proceedings which may be had shall, within sixty days after the final decree therein, be delivered to the clerk of the orphans' court of each county in which the said lands and tenements, or any parts thereof are situate, which shall be entered on the records of the said court, at the joint expense of all the parties concerned.

**SECTION 4.** Upon the appraisement of the aforesaid estate, of the aforesaid Thomas B. Coleman, and the aforesaid lands and tenements purchased by the said John Reynolds, and held by him in trust, as aforesaid, or upon the division thereof into purparts and their valuation, should all or any of the heirs or parties interested neglect, after due notice, or refuse to take the said estate, or any of the purparts at the appraisement, the said orphans' court shall, on the application of any one of the heirs, grant a rule upon the other heirs or parties interested, to shew cause why the same should not be sold; which rule shall be returnable at the next regular session of the court, or at such subsequent

period as the court, having respect to the circumstances of the case, may direct; and notice of such rule, and all proceedings under this act, shall be given in the manner provided in the act of twenty-ninth March, one thousand eight hundred and thirty-two, for notices to heirs; and on the return of such rule, the said court may appoint some suitable person trustee, to sell at public or private sale, and convey and assure such estate or purparts, or any part or parts thereof: *Provided*, That the rule to shew cause herein last directed, may be dispensed with by the court, on the application of all the parties interested; and that the said trustee shall give bond, with sufficient surety, to be approved of by the orphans' court of Lebanon county, conditioned for the faithful application of the proceeds of such sale or sales, according to law. Proviso.

WILLIAM F. PACKER,  
*Speaker of the House of Representatives.*

WM. WILLIAMSON,  
*Speaker of the Senate.*

APPROVED—The seventh day of February, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

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### No. 27.

## AN ACT

To alter the times for holding the criminal court in the city and county of Philadelphia, and for regulating the proceedings of said court, and for other purposes.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the court of oyer and terminer, general jail delivery, court of quarter sessions of the peace, and court for the trial of all criminal causes, in the city and county of Philadelphia, now given, by the act of the third of February, one thousand eight hundred and forty-three, to the judges of the court of common pleas in and for said city and county, shall hereafter be held on the first Mondays of April, June, August, October, December and February, in each and every year, instead of the days now fixed by law for the holding of the same. Time of holding courts.

SECTION 2. That all the returns of cases made by aldermen, justices of the peace, and other magistrates of prosecutions cognizable before said courts, shall be made on or before the first Monday of April next; and hereafter on the days and times fixed by the first section of this act, for the holding of said court; and all recognizances made returnable to the next March term of said court, shall be as effectual, binding and valid, as if returned on the first Monday of March next. Returns of magistrates.

SECTION 3. That said court shall have power and authority to issue two or more venires, for the drawing, summoning and returning of jurors to serve as petit jurors at any term of said court, to be drawn, To issue venires.

- Proviso.** summoned and returned as now required by existing laws, and to fix the same number for each panel as now designated by law: *Provided*, That no venire shall be issued for the return of a panel of jurors to serve for a period less than two weeks, except in cases of special venires, when a panel is exhausted by challenges, as now directed by law.
- Proceedings may be removed to supreme court.** SECTION 4. Writs of certiorari and writs of error may be issued from the supreme court, to remove the proceedings from said criminal court, in all cases, when specially allowed by any of the judges of said supreme court.
- To select constables.** SECTION 5. The judges of said criminal court, at their regular terms, shall have authority, when necessary for the business of the court, to select a sufficient number of the constables of the various wards, boroughs and townships, in said city and county, to attend on said court according to the provisions of the act of the twenty-first of January, one thousand eight hundred and fourteen, entitled "An Act allowing compensation to constables for attending the several courts within this commonwealth:" *Provided*, This section shall in no wise interfere with the provisions of the act of the third of February, one thousand eight hundred and forty-three.
- Proviso.** SECTION 6. That the tenth section of the act of sixteenth April, one thousand eight hundred and forty-five, entitled "An Act concerning certain sheriff and coroner's sales, and for other purposes," be and the same is hereby repealed.
- Act relative to tip staves and criers of courts in Philadelphia, repealed.** SECTION 7. That the provisions of the eighth section of the act of April the thirteenth, one thousand eight hundred and forty, entitled "An Act relating to orphans' court," be declared to apply and extend, and it is hereby applied and extended, to all advertisements of sale and other notices, which the sheriff of Philadelphia county is required to make public.
- Provision relative to giving notice, extended.** SECTION 8. So much of any law as is inconsistent with this act, or altered by its provisions, be and the same are hereby repealed.
- Repeal.** SECTION 9. That hereafter the May and November terms of the several courts of Greene and Washington counties, shall commence and be held on the following days in each and every year, respectively, to wit: in Greene county on the second Monday in May and on the second Monday of November, to continue each one week, if necessary: and in Washington county on the third Monday of May and third Monday of November, to continue each two weeks, if necessary, unless the court, at the previous term, shall limit the May term to one week; and so much of the act of twentieth of January, eighteen hundred and forty-eight, entitled "An Act to extend the time of holding the March term of the several courts of Beaver county, and to change the time of holding the courts in Greene county," as relates to the May and November terms of the courts in Greene county, be and the same is hereby repealed.
- Time of holding courts in Greene county.**
- In Washington county.**
- Part of former act repealed.**

WILLIAM F. PACKER,  
*Speaker of the House of Representatives.*

WM. WILLIAMSON,  
*Speaker of the Senate.*

APPROVED—The eighth day of February, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.



## No. 28.

## AN ACT

To enable the executors and administrators of decedents to perfect title to real estate in certain cases.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That in all cases where contracts, either in writing or by parol, to sell any lands and tenements within this commonwealth, owned by two or more persons in common, and where such parol contract shall have been so far in part executed as to render it unjust to rescind the same, have been heretofore made, or shall hereafter be made, by such owners, or either of them, by and with the consent of the other, or others, with any person or persons whomsoever, and when one of the said venders shall have died without having made provision, by will or otherwise, for the perfecting of the title of the purchaser or purchasers, on a performance by him, her or them, of the terms of such contract, and where the surviving vendor or vendors may be desirous to perfect such title, it shall be lawful for the executors or administrators of such decedents, being satisfied with the performance by such purchaser or purchasers, of his, her or their stipulations in such contract, to execute and deliver to such purchaser or purchasers, a deed or deeds, with clause of special warranty for his decedent's share of such lands and tenements; which deed, so as aforesaid executed and delivered, shall as effectually vest in such purchaser or purchasers, the title of such decedent, as if the same was executed and delivered by such decedent in his lifetime: *Provided,* That the executors or administrators of such decedent shall be chargeable with so much of their decedent's share of the purchase money, as shall not have been paid to him during his life: *And provided also,* That before receiving any portion of the said purchase money, the executors or administrators of such decedent shall give bond, with security, to be approved by a judge of the proper county, for a faithful application according to law, of all moneys that may be received by him, under or by virtue of the provisions of this act, which bond shall be filed in the orphans' court of the proper county.

Contracts for sale of real estate held in common, may be perfected after decease of parties.

Proviso.

Proviso.

WILLIAM F. PACKER,  
*Speaker of the House of Representatives.*

WM. WILLIAMSON,  
*Speaker of the Senate.*

APPROVED—The eighth day of February, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

No. 29.

## AN ACT

To provide for extraordinary repairs upon the canals and railroads of this commonwealth, and to place the same in order for navigation and transportation.

Appropriation.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That the sum of one hundred thousand dollars be and the same is hereby appropriated out of any money in the treasury, not otherwise appropriated, for extraordinary repairs on the canals and railroads of this commonwealth, and to place the same in order for navigation and transportation.*

WILLIAM F. PACKER,  
*Speaker of the House of Representatives.*

WM. WILLIAMSON,  
*Speaker of the Senate.*

APPROVED—The eighth day of February, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

No. 30.

## AN ACT

Authorizing the auditor general to open and re-settle the accounts of William Harris, late treasurer of Centre county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That it shall be lawful for the auditor general to open and re-settle the accounts of William Harris, late treasurer of Centre county, and allow him such further credit as, in the opinion of the auditor general, he shall be entitled to.*

WILLIAM F. PACKER,  
*Speaker of the House of Representatives.*

WM. WILLIAMSON,  
*Speaker of the Senate.*

APPROVED—The eighth day of February, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

## No. 31.

## AN ACT

Relative to the coroners of Berks and Lancaster counties.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That in all cases hereafter of violent deaths in Berks and Lancaster counties, when an inquest shall be held on the body of the deceased, and it shall be deemed necessary, by a coroner or justice of the peace holding the inquest, to call upon a surgeon or physician, to make a post mortem examination, the fee to be received of the county by such surgeon or physician, shall be ten dollars, unless the commissioners of the county shall be of opinion that his services deserve more, when it may be increased by them to such an amount as they may think just. Physician or surgeons' fees.

WILLIAM F. PACKER,  
*Speaker of the House of Representatives.*

WM. WILLIAMSON,  
*Speaker of the Senate.*

APPROVED—The eighth day of February, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

## No 32.

## AN ACT

To incorporate the Reading gas company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That Isaac Hiester, Dr. H. H. Muhlenberg, M. S. Richards, Joseph L. Stichter, Robert W. Packer, Samuel Bell, Benneville Keim, E. B. Hubley, William Darling, J. Glancy Jones, John Ritter, Samuel Griscom, of Berks county, or any five of them, are hereby appointed commissioners to do and perform the several things hereinafter mentioned, that is to say: They shall procure a suitable book, and therein enter as follows: "We whose names are hereunto subscribed, do promise to pay to the president and managers of the Reading gas company, the sum of twenty-five dollars for every share of stock set opposite to our respective names, in such manner and proportions, and at such Commissioners. Form of subscrip- tion.

times, as shall be determined by the president and managers of the said company, in pursuance of an act of the general assembly of the commonwealth of Pennsylvania, entitled 'An Act to incorporate the Reading gas company.' Witness our hands, this \_\_\_\_\_ day of \_\_\_\_\_, in the year eighteen hundred and forty-eight;" and

Notice of taking  
subscriptions to  
be given.

shall thereupon give notice in two newspapers published in the county of Berks, for three weeks at least, of the time and place when and where the said book shall be kept open to receive subscriptions for the stock of the said company, at which time and place one or more of the said commissioners shall attend and permit all persons of lawful age, who shall offer to subscribe in the said book, in their own names or in the names of any other persons who shall authorize the same, for shares in said stock; and the said book shall be kept for the said purpose at least six hours each juridical day, for the space of five days, or until there shall have been subscribed five hundred shares; and if, at the expiration of five days, the book aforesaid shall not have the number of shares aforesaid therein subscribed, the said commissioners may adjourn from time to time, and transfer the said book elsewhere, until the whole number of four thousand shares be subscribed, of which adjournment and transfer the commissioners aforesaid shall give such public notice as the occasion may require; and when the whole number of shares shall have been subscribed, then the book shall be closed.

Governor to issue  
letters patent.

Style.

Privileges.

Proviso.

Proviso.

SECTION 2. When one thousand shares of the stock shall have been subscribed, and the sum of five dollars paid on each and every share, the commissioners who have acted, or a majority of such, shall certify to the governor, under their hands and seals, the names of the subscribers, and the number of shares subscribed by each, and the sums paid thereon; whereupon, the governor shall, by letters patent, under his hand and the seal of the commonwealth, create and erect the subscribers, and if the subscription be not full at the time, then also those who shall thereafter subscribe to the number of shares as aforesaid, into a body politic and corporate, in deed and in law, by the name and style of the Reading gas company; and by the same name the subscribers shall have perpetual succession, and be able to sue and be sued, plead and be impleaded, in all courts of record and elsewhere; and by the said name the said corporation shall have power and authority to manufacture and sell gas, to be made of bituminous coal or other materials, for the purpose of lighting the streets, buildings, manufactories and other places in the city of Reading, and to purchase, have, hold, receive and enjoy, to them and their successors, lands, tenements and hereditaments, goods, chattels and all estate, real and personal, or mixed, of what kind or quality soever; and the same from time to time to sell, mortgage, grant, alien or dispose of, and to make dividends of such portion of the profits as they may deem proper; and also to make and have a common seal, and the same to alter or renew, at pleasure; and also to ordain, establish and put in execution, such by-laws, ordinances and regulations, as shall appear necessary and convenient for the government of the said corporation, not being contrary to the constitution and laws of the United States or of this commonwealth; and generally to do all and singular the matters and things which to them it shall lawfully appertain to do, for the well being of the said corporation: *Provided*, That nothing herein contained shall be considered as in any way giving the said corporation any banking privileges whatsoever, or any other privileges, liberties or franchises, but such as may be necessary or incident to the making of gas and the distribution thereof, for the purposes of illumination in the city of Reading: *Provided further*, That the said company shall at no time hold or possess any land for any other purpose than

the construction thereon of the necessary works and offices of the said company.

SECTION 3. The said named commissioners, or a majority of them, shall, as soon as conveniently may be after the said letters patent shall have been obtained, give at least two weeks' previous notice in the newspapers hereinbefore mentioned, of the time and place by them appointed for the subscribers to meet, in order to organize the said company, and to choose, by a majority of votes of the said subscribers, by ballot, to be given in person or by proxy, (which proxy shall have been obtained, and bear date, within four weeks previously to the election at which such proxy shall be presented) duly authorized, one president and six managers; the president and managers aforesaid, shall conduct the business of said company until the second Monday in June, Anno Domini, one thousand eight hundred and forty-eight, and until like officers shall be chosen; and may make such by-laws, rules, orders and regulations, as are not inconsistent with the laws and constitution of this state, and of the United States, and as may be necessary for the due management and ordering the affairs of the said company. Organization.

SECTION 4. The stockholders shall meet on the second Monday of June, Anno Domini, one thousand eight hundred and forty-nine, and on the same day and month annually thereafter, at such place as may be fixed upon by the by-laws; of the time and place of which meeting, notice shall be given, at least two weeks previously, in the newspapers aforesaid, and choose by ballot, by a majority of votes present, their officers for the ensuing year, as mentioned in the third section of this act; which officers so elected, shall continue in office for one year, or until others are chosen; and the stockholders shall also meet at such other times, either upon the requisition of the managers, or of any stockholders who own, in the aggregate, one hundred shares, as they may be summoned to meet by the said managers or stockholders, in such manner and form as shall be prescribed by the by-laws; at which annual or special meeting, they shall have full power and authority to make, alter or repeal, by a majority of votes present, in manner aforesaid, all such by-laws, rules, orders and regulations as aforesaid, and to do and perform every other corporate act; and the number of votes to which each stockholder shall be entitled, at all elections, and upon all questions submitted to any annual or special meeting of the said stockholders, shall be according to the number of shares he or she shall hold, in the proportions following, that is to say:—For each share, not exceeding two shares, one vote; for every two shares above two, and not exceeding ten shares, one vote; for every five shares above ten shares, one vote; and no share shall confer a right of voting, which shall not have been holden two calendar months prior to the day of election, nor unless it be holden by the person in whose name it appears absolutely and bona fide, in his or her own right, or in the right of his wife, or for his or her sole use and benefit, as an executor, administrator, trustee or guardian, or in the right, and for the use and benefit of some co-partnership, corporation or society, of which he or she may be a member, and not in trust for, and to the use and benefit of any other person: *Provided*, That no person shall be permitted to vote at the first election of said company, unless he or she has fully paid five dollars on each share of stock by him or her subscribed, as directed by the second section of this act; and at all subsequent elections of said company, no person shall be permitted to vote, unless he or she shall have fully paid all the instalments called for, and then due on the shares by him or her subscribed; and all votes by proxy, shall be on such terms and conditions, as are prescribed by the act, passed on the twenty-eighth day of Annual meetings.  
Elect officers.  
Powers.  
Votes.  
Proviso.

March, in the year eighteen hundred and twenty, entitled "An Act to regulate proxies."

**Elections how to be conducted.** SECTION 5. The election of officers provided for in the fourth section of this act, shall be conducted in the following manner, that is to say:—The managers for the time being, shall appoint two of the stockholders, not being managers, to be judges of the said election, and to conduct the same; who, before undertaking so to act, shall severally take and subscribe an oath or affirmation, before a justice of the peace or alderman, well and truly, according to law, to conduct such election to the best of their knowledge and abilities; and the said judges shall decide upon the qualifications of the voters; and when the election is closed, (which shall be and remain open at the office of the company, in Reading, from ten o'clock, A. M., until three o'clock, P. M.) shall count the votes, and the stockholders having the highest number of votes, shall be declared duly elected; and if it shall at any time happen, that an election of president or managers shall not be made, the corporation shall not, for that cause be deemed to be dissolved; but it shall be lawful to hold and make such election of president or managers on the same day, or any other day thereafter, giving at least ten days' notice, signed by the president, in the newspapers before mentioned, of the time and place of holding such election, and they are hereby required so to do, at least once in every twenty days, till the requisite officers are chosen; and the president and managers of the preceding year shall, in that case, continue to act and be invested with all powers belonging to their respective stations, until an election shall take place; in case of the death or resignation, or removal from the state of any president, manager or other officer, his place shall be filled by the board of managers, until the next annual election: *Provided*, That none but stockholders shall be eligible to be elected president or managers.

**Proviso.**

**Quorum.** SECTION 6. The president and managers shall meet at such times and places, as shall be found most convenient for the transacting of their business; four of whom shall be a quorum, who, in the absence of the president, may choose a chairman, and shall keep minutes of their transactions fairly entered in a book; and a quorum being formed, they shall have full power and authority to buy land for the gas works, and erect the same; to appoint all such architects, surveyors, chemists, superintendents, and other artists and officers, as they shall deem necessary to construct and carry on the intended gas works; and to fix their salaries and wages, to enter into and execute contracts or covenants, in relation to the objects of said corporation, and to enforce the same; to ascertain the time, manner and proportions, in which the said stockholders shall pay the moneys due on their respective shares; to draw orders on the treasurer for money, which orders shall be signed by the president, or, in his absence, by a majority of the managers present, and countersigned by the secretary, and generally to do all such other acts and matters and things, as by this act and by-laws and regulations of the company, they are authorized to do.

**Powers to construct works, &c.**

**Certificates of stock.** SECTION 7. The president and managers, first chosen, shall procure certificates, or evidence of stock, for all the shares of the said company, and shall deliver one such certificate, signed by the president and countersigned by the secretary, and sealed with the common seal of the said corporation, to each person for such share or shares, as by him are subscribed and held; which certificate, or evidence of stock, shall be transferable at his pleasure, in person or by attorney, duly authorized, in the presence of the president or secretary, in a book to be kept by the said corporation for that purpose, subject, however, to all payments due, or to become due thereon; and the assignee, holding any certi-

**Transferable.**

ificate transferred as aforesaid, shall be a member of said corporation; and for every certificate assigned to him as aforesaid, shall be entitled to a share or shares, as is therein mentioned, of the capital stock of all the estates and emoluments of the corporation, incident to such share or shares, and to vote as aforesaid, at the meetings thereof, and subject to all penalties and forfeitures, and of being sued for all the balance and penalty due, or to become due on each share, as the original subscriber would have been.

SECTION 8. If after twenty days' notice in the public papers aforesaid, of the time and place appointed for the payment of any proportion, or instalment of the said capital stock, in order to carry on the works of the company, any stockholder shall neglect to pay such proportion or instalment at the place appointed, for the space of thirty days after the time so appointed, every such stockholder, or his assignee, shall, in addition to the instalment so called for, pay at the rate of two per centum per month, for the delay of such payment; and if the same, and the additional penalty, shall remain unpaid for such space of time, as that the accumulated penalty shall become equal to the sum or sums before paid in part, and on account of such share or shares, the same shall be forfeited to the said company, and may be sold to any person or persons willing to purchase for such price as can be obtained for the same; that in default of payment by any stockholder, of any such instalment as aforesaid, the president and managers may, at their election, cause suit to be brought before an alderman or justice of the peace, or in any court having competent jurisdiction, for the recovery of the same, together with the penalty aforesaid; that in case of the transfer, or assignment, of any such share or shares, on which default has been made as aforesaid, the president and managers of the said corporation may bring suit as aforesaid, either against the person who assigned or transferred the said share or shares, or the person to whom such transfer or assignment was made, for the recovery of any unpaid instalment, together with the penalty aforesaid.

Penalty for non-payment of instalments.

SECTION 9. The managers shall declare dividends of so much of the net profits of the company, as shall appear to them advisable, on the first Mondays in June and December, every year, which shall be paid to the stockholders on demand, ten days after the same shall have been declared.

Dividends.

SECTION 10. That the company shall have power and authority, and is hereby empowered and authorized, to erect gas posts, burners and reflectors, to dig such trenches in, along and across the public streets, lanes, alleys and sidewalks, in the city of Reading, for the purpose of laying their pipes for the distribution of gas, as the said company may deem necessary: *Provided*, That the said company shall fill up said trenches, and restore the said public roads, streets, lanes, alleys and sidewalks, to as good a condition as they were, respectively, in before the said trenches were dug, at the proper cost and expense of the said company.

Power to erect gas posts, &c.

Proviso.

SECTION 11. If any person or persons shall open a communication into the street gas-main, or other gas pipe of the said company, without authority from the inspector, or other authorized agents of the said company, or shall let on the gas after it has been stopped, by order of the said inspector, or other authorized agent of the said company, for repairs, or any other cause or purpose, or shall put up any pipes or burners, in addition to the pipes or burners originally put up and inspected, and introduce the gas into them without authority as aforesaid, he, she, or they, shall be subject to a penalty of not less than ten, nor more than fifty dollars, for each and every such offence, to be recov-

Penalty for violation.

ered as debts of the like amount are recoverable in law; one-half to be paid to the informer, and the other half to the said company.

Penalty for injuries to works, &c.

SECTION 12. If any person shall wilfully or maliciously do, or cause to be done, any act or acts whatever, whereby any building, construction, or works of said company, or any gas pipe, gas post, burner or reflector, or any matter or thing appertaining to the same, shall be stopped, obstructed, injured or destroyed, the person or persons so offending, shall be considered guilty of a misdemeanor; and being thereof indicted and convicted in the court of quarter sessions, shall be punished by fine not exceeding one hundred dollars, or imprisonment not exceeding one year, or both, at the discretion of the court: *Provided*, Such criminal prosecution shall not in anywise impair the right of action for damages by a civil suit, hereby authorized to be brought for any such injury as aforesaid, by and in the name of the said corporation, in any court in this state having cognizance of the same.

Proviso.

Reservation.

SECTION 13. That the legislature hereby reserve the right to alter, amend or annul this act, whenever, in their opinion, it may become necessary for the public good: *Provided however*, That no injustice shall be done to the corporators.

WILLIAM F. PACKER,  
*Speaker of the House of Representatives.*

WM. WILLIAMSON,  
*Speaker of the Senate.*

APPROVED—The eighth day of February, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

No. 33.

## AN ACT

To incorporate the village of Coudersport into a borough.

Boundaries.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same*, That the village of Coudersport, in the county of Potter, and territory included within the following boundaries, to wit: Beginning at the south-east corner of the village plot, and taking the entire lines of said village plot as its boundaries, to the place of beginning, is hereby erected into a borough, which shall be called and styled the borough of Coudersport.

Annual election.

SECTION 2. That the inhabitants of said borough entitled to vote for members of the general assembly, having resided therein one calendar month immediately preceding the election, shall, on the third Friday of February next, and annually thereafter, on the same day which now is, or hereafter may be fixed by law for the election of constable and other township officers within this commonwealth, meet at the court house, in said borough, and then and there, between the hours of one



o'clock and seven o'clock, P. M., elect, by ballot, one of the citizens, who shall be styled the burgess of said borough, and four other citizens, to be styled the town council, one street commissioner, and two justices of the peace, all of whom shall be residents of said borough; which election shall be in all respects conducted in the same manner as is provided by law for the election of township officers within this commonwealth, and shall be subject to the same penalties for mal-practices, except that the certificates of the election of burgess and town council, and other borough officers, shall be filed among the records of the corporation, and duplicate certificates of said election shall be signed by the judges, one of which shall be transmitted to each person so elected:

*And provided*, That in case of death, resignation, removal or refusal to accept of any of said offices, the vacancies may be supplied by a new election, in all cases where, by existing laws, there is no provision made for supplying vacancies by appointment: *And provided further*, That for the first election to be held under this act, it shall be the duty of C. B. Cotter, Versel Dickinson and William T. Jones, or any one of them, to give notice and perform all the duties enjoined on constables by the existing laws relative to township elections; and in case no election shall be held on the first day mentioned, they shall appoint some other day, and perform said services; but previous to opening of such election, such of the citizens entitled to vote as aforesaid, as may be present at the time and place of opening the same, shall choose one judge and two inspectors, and two clerks thereof, who shall be sworn or affirmed in the same manner as is provided by law for swearing or affirming election officers, and they shall perform the duties required of them by law relative to township elections.

Proviso.

Proviso.

First election,  
how and by whom  
to be held.

SECTION 3. That the burgess shall be president of the council, and shall have and exercise all the rights and privileges of a member thereof, in every respect.

Rights and powers of burgess.

SECTION 4. That the burgess and town council shall meet on the first Monday next succeeding their election, in each year, and as often thereafter as occasion may require; three members shall constitute a quorum to do business, and the proceedings of a majority of a quorum, when there is one formed, shall be valid; they shall have power, in the absence of the burgess, to elect a president pro tem., who shall, in the case of death, resignation, refusal to accept or to act, or inability of the burgess to attend, perform all and every duty enjoined on the burgess, or in his absence, the president pro tem. shall have power to call special meetings of the council; but in all cases of special meetings, personal notice shall be given to each member, unless absent from the borough; the burgess and members of the town council shall in all cases continue to hold their respective offices until their successors shall be duly elected and qualified.

Time of meeting  
of town council.

Their powers.

SECTION 5. That if any person duly elected burgess or member of the town council, and having received notice thereof, as directed by this act, shall refuse or neglect to take upon himself the execution of the office to which he shall have been elected, or having taken upon himself such duties, shall neglect to discharge the same according to law, every such person so refusing or neglecting, shall, for every such offence, forfeit and pay the sum of five dollars; and every other officer elected or appointed by virtue of this act, or the by-laws or ordinances of the town council aforesaid, who shall refuse or neglect to take upon himself the execution of such office, or having accepted the same, shall neglect or refuse to perform the duties thereof, shall, for every such refusal or neglect, pay a fine not exceeding five dollars, at the discretion of the burgess; which fines, and all other fines that may be incurred under

Forfeiture in case  
of refusal to  
serve.

Proviso. this act, or any of the by-laws or ordinances of the town council, shall be for the use of the said corporation, and shall be recovered in the name of the burgess and town council of the borough of Coudersport, as debts of like amount are recoverable by law: *Provided*, That no persons shall be compelled to serve more than one year in any term of three, and the payment of a fine shall be equivalent to a service of one year in any office: *And provided further*, That nothing herein contained shall be construed to exonerate any constable or other officers from the payment of any fine or penalty imposed by the existing laws, or that may hereafter be enacted, for refusing to serve in such office.

Officers to be qualified.

SECTION 6. The burgess shall take and subscribe an oath or affirmation, before one of the justices of the peace of the said borough, or county of Potter, to support the constitution of the United States, and of the state of Pennsylvania, and to execute the office of burgess of Coudersport with fidelity; and when so qualified, he shall administer an oath to each of the members of the town council, high constable, town clerk, clerk of the market, (if one shall be appointed,) and such other officers as shall be appointed or elected under this act, or any by law or ordinance of said borough, before they shall enter upon the duties of their respective offices, which oath or affirmation so taken subscribed, shall be filed among the records of the corporation.

Style.

Privileges.

SECTION 7. That from and after the third Friday in February next, the burgess and town council duly elected, and their successors, (in office,) shall be one body politic and corporate, by the name and style of the burgess and town council of the borough of Coudersport, and shall have perpetual succession, and shall be capable in law to have, receive, hold and possess, goods and chattels, lands and tenements, rents, liberties, jurisdictions, franchises, hereditaments, to them and their successors, in fee simple or otherwise, not exceeding the yearly value of three thousand dollars; and also to grant, sell, let and assign the same, and shall be capable in law to sue and be sued, plead and be impleaded, in any of the courts in law of this commonwealth, in all manner of actions whatever; and to have and use one common seal, and the same from time to time at their will to change and alter.

Power to enact by-laws, &c.

SECTION 8. That the town council shall have power to pass and enact by-laws, rules, regulations and ordinances, as they may deem necessary to promote the peace and good order and general welfare of the inhabitants, and well being of said borough, and for the purpose of improving and keeping in good order the sidewalks, streets, lanes, alleys, common grounds or other property whatsoever, that has heretofore been granted to the use of the citizens of Coudersport, or that may hereafter be granted to the use of the corporation, and for removing nuisances and obstructions therefrom; and the same to alter, make, renew or amend, as the occasion may require, and also assess, levy and collect, and appropriate, such taxes as shall be necessary to carry their rules and ordinances into effect;

To levy and collect taxes.

which said taxes shall not exceed in any one year three mills on the dollar, except by consent of two-thirds of the taxables of the borough, to be certified under their hands, to the town council, for that purpose; they shall have authority to obtain materials for improving the streets, lanes, alleys and public grounds, and order and direct the manner and way in which the same shall be improved, repaired and kept in good order; they shall annually appoint a town clerk, treasurer, collector of taxes, clerk of the market, when necessary, and such other officers as they may deem expedient, and the same to remove at pleasure; the officers to be appointed by the town council shall be allowed such compensation as the council may fix and agree, but the members of the council themselves shall not receive any compensation for their services

To appoint officers.

as members of the council. The council may remit any fines or penalties that may be incurred by and under this act, or any of the by-laws or ordinances, where, in their judgment, it may be proper so to do: *Provided*, No by-law, rule, regulation or ordinance of said corporation, *Proviso.* shall be repugnant to the constitution and laws of the United States or of this commonwealth, and that no person shall be subjected to any fine or punishment for a violation of any by-law or ordinance of said borough, until after six days shall have expired after the promulgation thereof, by at least four copies of the same being put up at the most public places within the said borough, and signed by the president or president pro tem., and attested by the town clerk; it shall be the duty of the burgess to cause all the by-laws and ordinances of the council to be carried into effect, and to do and perform all such other services as may be enjoined on him by the same.

SECTION 9. That it shall be the duty of the burgess to issue his warrant to the collector, as often as occasion may require, commanding *Duty of burgess.* him to collect the taxes assessed by the town council, a list or duplicate of which shall be made out and delivered to said collector, and to pay the same to the treasurer; and the collector shall have the power and authority in the collection of said taxes, as the collectors of county rates and levies, and may be proceeded against in the same manner that the county treasurer, or county commissioners, are authorized by law to proceed against the collectors of county taxes, when they neglect to collect or pay over the amount of their duplicates according to law: *Provided*, That the town council may hold appeals, hear any com- *Proviso.* plaints in relation to the assessment of the said taxes, and grant relief, as may seem best at any time, and also exonerate the collector from the payment of any taxes that may be impracticable to collect; and in all cases of any tax assessed upon any vacant or unseated land, in said borough, and the taxes remain unpaid, it shall be lawful for the collector to certify the same to the commissioners of Potter county, in the same manner as the supervisors of the roads are authorized by law to return road taxes on unseated lands; and the county treasurer shall, in like manner, collect the said taxes, or sell and convey the lot or lots, for the payment of the same, and pay the money into the treasury of the borough, or to whatever it may belong.

SECTION 10. That it shall be the duty of the town clerk to attend all meetings of the town council, when assembled on business of the corporation, and perform the duty of clerk thereto, and keep and preserve the corporate seal and records of the corporation, and be answerable for the same; and also for the faithful discharge of the duties that may devolve upon him by this act, or of the acts of the incorporation: he shall keep a fair journal of the proceedings of the town council, in a book to be provided for that purpose, and shall enter all by-laws and ordinances adopted by the council, in a separate book for that purpose; and when signed by the president, shall attest the same: he shall certify copies under the seal of the corporation, which copies, of any book, paper, by-laws, ordinance or proceeding of the council, when so certified and attested by the clerk, shall be good evidence of the thing certified: he shall deliver over to his successor the seal, and all the books, papers and other things belonging to the corporation; and upon neglect or refusal to do so, upon demand made, he shall forfeit and pay a fine of not less than fifty dollars, and be accountable for all damages sustained by the corporation, to be recoverable as like debts and damages are by law recoverable.

SECTION 11. That it shall be the duty of the treasurer to receive *Duty of treasurer.* moneys due to the corporation, whether for taxes, fines, donations, or rer.

in any other way, and pay out the same on orders of the president, or president pro tem.: he shall keep fair accounts of the receipts and payments, and settle his accounts with the town council, whenever they shall require the same to be done, and pay over all moneys, or balances found in his hands, and deliver to his successor in office all books, papers and accounts belonging to the corporation, or pertaining to his official duties, when demanded; for which he shall give bond to the burgess and town council, with sureties thereon, as they may require.

Accounts of  
corporation.

SECTION 12. That no moneys shall be drawn from the treasury, but by the authority of the council, or orders signed by the president thereof, and attested by the clerk: it shall be the duty of the town council to settle the accounts of the treasurer, street commissioners, collector of taxes, and of the several officers, annually, and cause a fair statement, showing the receipts in the treasury, and how the same shall have been expended, to be published by the town clerk every year, in the manner prescribed by said town council.

Further powers  
of council.

SECTION 13. That the burgess and town council shall have full power and authority to make and establish by-laws and ordinances, regulating the manner in which hay, coal, lime, wood, boards and scantling, tanner's bark, and all kinds of produce, offered for sale in the said borough, shall be weighed and measured: *Provided*, The said by-laws and ordinances shall not be repugnant to the constitution and laws of the United States, or of this commonwealth.

Election of con-  
stable.

SECTION 14. That it shall and may be lawful for persons entitled by law to vote for burgess and other officers of the borough of Condersport, at the time and place where they vote for borough officers, to elect one respectable citizen of said borough for constable, and return the name of the person so elected, to the next court of quarter sessions of said county, who shall be appointed constable of said borough in like manner, with the like powers and authority, and receive like fees, and be subject to such regulations and penalties, as are provided and contained in the laws now existing, or that may hereafter be passed, concerning constables within this commonwealth; and the said constable so appointed, shall do and perform all the duties required to be done by the high constable of said borough, in pursuance of this act, and of the by-laws and ordinances of said borough.

Election of jus-  
tices of the peace.

SECTION 15. That the justices of the peace, to be elected under this act, shall hold their office for the term of five years, and in all respects be entitled to the same fees and jurisdictions, that justices of the peace now are under the law that now exists, or hereafter may be passed.

WILLIAM F. PACKER,

*Speaker of the House of Representatives.*

WM. WILLIAMSON,

*Speaker of the Senate.*

APPROVED—The seventh day of February, one thousand eight hundred and forty eight.

FRS. R. SHUNK.

## No. 34.

## A FURTHER SUPPLEMENT

To an act authorizing the incorporation of the Monongahela navigation company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the president and managers of the Monongahela navigation company be and they are hereby authorized to open books of subscription, at such places within the counties of Allegheny, Washington, Westmoreland, Fayette and Greene, as they may think proper to indicate, upon thirty days' notice, by publication in one or more newspapers published within each of said counties, for the purpose of enlarging their capital stock, so as to enable them to extend their improvement to the Virginia state line: *Provided,* The stock hereby authorized to be subscribed, shall not exceed two hundred thousand dollars.

Open books to receive new subscriptions.

Proviso.

SECTION 2. That as soon as three thousand additional shares shall be subscribed to the stock of the said company for the purpose aforesaid, it shall be the duty of the said president and managers to contract for the construction of so many additional locks and dams, as may be required to secure a sufficient slack-water navigation from the borough of Brownsville, to the said state line, or so many additional locks and dams as the amount of stock so subscribed, as aforesaid, shall, in their estimation, be sufficient to authorize them to place under contract.

Construct additional works, &c.

SECTION 3. That in the prosecution of said extension, it shall be lawful for the said company to increase the height of dam number four, not exceeding two feet, after the completion of lock and dam, number five, above Brownsville, and to construct the additional dams, in such manner and of such elevation, as they may deem expedient, having regard, however, to the natural formation of the banks; and making compensation for any damage, direct or consequential, which may be or has been occasioned to private property by the said dams, or those already constructed: *Provided,* That if the parties cannot agree in choosing five freeholders to view and assess the damages, the same shall hereafter be appointed by the court of common pleas of the proper county, and not by a justice of the peace, as is provided for in the eighth section of the act of incorporation, passed the thirty-first day of March, one thousand eight hundred and thirty-six: *Provided further,* That said jurors shall be citizens of the county in which said damages are alledged to have been sustained, but shall not live or own real estate within ten miles of said improvement, nor shall any of them be stockholders in said Monongahela navigation company: *And provided further,* That said company shall be liable for all consequential damages resulting to the owner or owners of real property situate upon either side of said improvement.

Increase height of dam No. 4.

Additional dams.

Proviso.

Proviso.

Proviso.

SECTION 4. That the tolls received upon, and revenues arising from that part of the work between Brownsville and the Virginia state line, shall form a separate and distinct fund, and the balance thereof, after payment of expenses and repairs on that portion of the work, shall be divided semi-annually, pro rata, amongst the stockholders, whose subscriptions may be applied, under this act, to the construction of the

Certain tolls to form a separate fund.

same, until the company shall have paid the debt incurred in the construction of the work below the borough of Brownsville; after which, the said tolls and revenues shall return to the common fund, and be distributed, with the other revenues of the said work, amongst all the stockholders thereof, in the proportion of the amount of stock held by them respectively: *Provided*, That the minimum through toll on the ascending transportation of passengers, produce and merchandize, destined to pass over any portion of the Baltimore and Ohio railroad, except coal and other minerals, shall not be less on said improvements, than may be charged for an equal distance on the Pennsylvania canal.

Proviso.

Enact rules.

SECTION 5. That the president and managers of the said company shall have power, from time to time, to make such rules and regulations as may not be inconsistent with the laws of this state, in respect to the weighing and inspecting of boats and other craft, and their lading, the collection of tolls, and all other matters connected with the use or navigation of their improvement.

Open books for subscription in Pittsburg.

SECTION 6. That the president and managers of the said Monongahela navigation company, be and they are hereby authorized to open books of subscription, at such time and place within the city of Pittsburg, as they may think proper to direct, upon at least thirty days' notice thereof, by publication in one or more newspapers in the cities of Pittsburg and Philadelphia, for the subscription of so much additional stock in the said company, as shall be required to pay and satisfy the debt incurred in the construction of that portion of their improvement which is already completed, over and beyond the amount of the capital stock already subscribed, paid in, and expended for the purpose; that the said books of subscription shall continue open, for the purpose aforesaid, for the space of twenty days, and if at the expiration of that time, the sum required shall not have been subscribed, it shall be lawful for the said president and managers, and they are hereby required to enter, to the credit of the holders of the present stock, in the books of the said company, an additional share of stock for each and every share by them respectively owned and held therein; upon which said additional share or shares, the treasurer of the said company shall, in lieu of all calls for the payment of any instalment or instalments thereupon, credit to the holders thereof, respectively, his, her or their pro rata proportion, according to the amount of stock by them respectively owned, of the amount applied, from time to time, out of the tolls, income, profits and revenues of the said company, toward the satisfaction of the principal and interest of the debts incurred in the construction of that portion of their improvement between the city of Pittsburg, and the borough of Brownsville; and as soon as the sum of fifty dollars shall be thus credited to each and every share of the said additional stock, it shall be the duty of the said president and managers to issue certificates therefor, to the persons who may then be the holders of the original stock, and entitled thereto respectively; and who shall thereafter vote, and be entitled to receive dividends upon the said new stock of the incomes or profits of the said company, as though the same had been originally subscribed at the opening of the books thereof: *Provided however*, That any and every transfer that may be made of the present or old stock, or any portion thereof, by any of the holders thereof, antecedent to the payment of the whole of the said sum of fifty dollars, upon each and every of the shares of the said new or additional stock, shall be held and construed to carry with it, the interest of the proprietor in the said new or additional stock, which, until that period, shall follow the ownership of the said original stock as an incident, or accessory thereto, and be inseparable therefrom: *Provided*, That when the dividends of

Amount to be credited to certain stockholders.

Proviso.

Proviso.

profits made by the company shall exceed ten per cent. per annum, on the amount of the capital stock representing the cost of the work, one half of the surplus, above ten per cent., shall be paid into the treasury of the commonwealth; and the clause in the fifteenth section of the original act of incorporation, requiring an annual statement to be made to the legislature, is hereby re-enacted.

SECTION 7. That the toll on coal shall not be raised by the company, Toll on coal. at any time, above the rates now charged on that article.

SECTION 8. That so much of any act or acts of assembly as may be Repeal. inconsistent with any of the foregoing provisions, be and the same is hereby repealed.

WILLIAM F. PACKER,  
*Speaker of the House of Representatives.*

WM. WILLIAMSON,  
*Speaker of the Senate.*

APPROVED—The ninth day of February, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

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No. 35.

AN ACT

To incorporate the Washington hall association of the borough and county of York.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That George S. Morris, E. G. Snyser, Adam Klinefelter, Daniel Hartman, Incorporators. David Small, William Beitsel, Adam J. Glossbrenner, E. K. Ziegler, Matthew Tyler, Robert J. Fisher, Thomas P. Potts, Charles Shultz, William F. Shetter, John Fahs, Adam Worley, Henry Welsh, John J. Cochran, George Hammond, Daniel Ginder, Adam Ebaugh, Samuel Cross, George Doseh, Alexander Small and John Brillhart, and their successors, and all persons who now are or hereafter may be associated with them, be and they are hereby created and erected into a body corporate and politic, in deed and in law, by the name, style and title of the "Washington hall association of the borough and county of York," Style. and by that name shall have perpetual succession, and be able to sue Privileges. and be sued, plead and be impleaded, in any court of law or equity, and to take and to hold to them and their successors, either by grant, gift, devise or lease, any lands or real estate, for the purpose of erecting thereon a suitable building or buildings, for the use of said association; and also to take and hold for the use of said association, any goods or chattels, sum or sums of money, by gift, grant, bargain, sale, will, devise or bequest, from any person or persons whatsoever, capable of making the same, and the same at their pleasure to grant, bargain and

Proviso.

sell, for the use of said association; and generally to do all and singular the matters and things which shall be lawful for them to do for the well being and due management of the affairs of said association: *Provided*, That the real estate of which the said corporation shall be at any one time possessed, shall not exceed the clear yearly value of three thousand dollars.

Commissioners.

SECTION 2. The persons hereinbefore named are hereby appointed commissioners to do and perform the several acts and things hereinafter mentioned, that is to say, they, or such of them as shall act in the premises, not less than five, shall as soon as conveniently may be, and within three months next after the passage of this act, procure and open a suitable book or books, at such time and place as they may designate, in the borough of York, of which time and place at least ten days' previous public notice shall be given in one or more newspapers published in the borough of York, in which book or books they shall enter as follows: "We whose names are hereunto subscribed, do promise to pay to the trustees and company of the Washington hall association of the borough and county of York, the sum of ten dollars, for each and every share of stock set opposite to our respective names, in such manner and proportions, and at such times, as shall be determined by the trustees of said association. Witness our hands and seals, the

Form of subscription.

day of \_\_\_\_\_, Anno Domini one thousand eight hundred and forty-eight;" and at the time and place so designated and named in the public notices to be given as aforesaid, the said commissioners, by themselves or by committees to be by them appointed, shall attend for the purpose of opening the books, and to receive subscription for stock; and the said books shall be kept open at least six hours on such day, at the time and place designated in the public notices to be given as aforesaid; and in case twelve hundred shares of stock, being the capital stock of said association, be not all sold on the day of the first opening of the books, the number remaining unsold may afterwards be disposed of at such time and place, and under such regulations, as the trustees for the time being may order: *Provided*, That no subscription for such stock shall be valid, unless the party or parties making the same, shall, at the time of subscribing, pay to said commissioners one dollar on each and every share, for the use of the association.

Open books.

Proviso.

Organization.

SECTION 3. The said commissioners, or at least five of them, acting in the premises as aforesaid, shall, as soon as conveniently may be, after eight hundred shares of the stock are subscribed, appoint a time and place for the subscribers to meet, in order to organize the said association, and shall give at least ten days' previous notice thereof, in one or more newspapers of the borough of York aforesaid; and the said subscribers, when met, shall, by ballot, elect by a majority of the voters present, five trustees, citizens and residents of said county, to conduct and manage the affairs and business of said association, until the first Monday of May of the next following year, and until others are chosen; and shall annually thereafter, at such time and place as the by-laws of the said association shall provide, elect five trustees, to serve as aforesaid; and the three commissioners first named shall be the judges of the election of trustees, and the judges of all future elections shall be appointed by the trustees for the time being; and notice of such elections shall be given in such manner as the by-laws shall provide.

Elect trustees.

Object.

SECTION 4. The object of said association shall be to provide, erect and furnish a hall or suitable building or buildings, in the borough of York, for the accommodation of the various lodges of the Independent Order of Odd Fellows, established or to be established there, for other



beneficial societies, and suitable also for a room to be used for public meetings, and for a library.

SECTION 5. It shall and may be lawful for the said corporation to have a common seal, and the same at will and pleasure to change, alter and renew, as they shall think proper, and shall have and exercise all the rights, privileges and immunities necessary for the purposes of the corporation hereby constituted, and as herein expressed. Seal.

SECTION 6. The trustees for the time being, or a majority of them, shall have power to carry out the objects of the association as hereinbefore expressed, to elect a president from their own body; to elect a treasurer and secretary, and to appoint such other officers and agents as they shall deem necessary to carry out the objects aforesaid, conduct and execute the business and affairs of said association; to fix their compensation, and in their discretion to dismiss them; to provide for the investment of the funds of the association in such manner as they shall deem most safe and beneficial; to provide for paying all the necessary expenses of conducting the affairs of the association, and generally to pass all such by-laws as shall be necessary to the exercise of said powers, and of other powers vested in said association, and the said by-laws from time to time to alter and repeal: *Provided*, That such by-laws shall not be contrary to the constitution and laws of this commonwealth or of the United States. Powers of trustees.

SECTION 7. It shall be the duty of the trustees, at least once in every year, to appoint from the members of the said association, three competent persons as a committee of examination, whose duty it shall be to investigate the affairs of said association, and to make report thereof; and it shall also be the duty of the trustees on the third Mondays of April and October in each and every year, to make and declare a dividend of the interests and profits of the said association, after paying its expenses, and the same to pay over to the stockholders or their legal representatives, within thirty days thereafter. Duties of trustees.

SECTION 8. The legislature hereby reserves the right to alter or amend the charter of the Washington hall association, whenever, in their opinion, it may be injurious to the citizens of this commonwealth, in such manner, however, that no injustice shall be done to the corporators. Dividend.

WILLIAM F. PACKER,  
*Speaker of the House of Representatives.*

WM. WILLIAMSON,  
*Speaker of the Senate.*

APPROVED—The ninth day of February, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

No. 36.

## AN ACT

Authorizing the commissioners of Greene county to appropriate money to a certain road.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That the commissioners of Greene county are hereby authorized and empowered, at their discretion, to appropriate any sum of money out of the county funds, not exceeding one hundred and fifty dollars in amount, towards the construction of that part of the road intended to supply so much of the state road which may be vacated between the towns of Jefferson and Waynesburg, in said county, at a point called "Hog Back," with power to appoint a commissioner to superintend the application of the sum so appropriated, at a rate of compensation to be adopted by themselves, and paid out of the county treasury.*

WILLIAM F. PACKER,

*Speaker of the House of Representatives.*

WM. WILLIAMSON,

*Speaker of the Senate.*

APPROVED—The ninth day of February, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

No. 37.

## AN ACT

For the relief of Joseph Plankinton.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That the state treasurer be and he is hereby authorized to pay, to the order of Joseph Plankinton, of Philadelphia county, the sum of five hundred and fifty-five dollars and eighty-nine cents, being an overpayment to the*

State Treasurer.

treasury while said Joseph Plankinton was treasurer of Philadelphia county.

WILLIAM F. PACKER,  
*Speaker of the House of Representatives.*

WM. WILLIAMSON,  
*Speaker of the Senate.*

APPROVED—The ninth day of February, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

No. 38.

### AN ACT

To authorize the auditor general to settle the claim of William Byers, of Mercer county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the auditor general be and he is hereby authorized and directed to examine the claim of William Byers, of Mercer county, for furnishing materials, and making eighty-three perches of fence on the line of the Erie extension of the Pennsylvania canal, rendered necessary by the construction of the said canal through his farm, and if found to be correct and not paid, to draw his warrant on the state treasurer, in favor of the executors of the said William Byers, for the sum of forty-one dollars and fifty cents, which shall be in full of said claim.

WILLIAM F. PACKER,  
*Speaker of the House of Representatives.*

WM. WILLIAMSON,  
*Speaker of the Senate.*

APPROVED—The ninth day of February, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

No. 39.

## AN ACT

Supplementary to an act, entitled "An Act authorizing the construction of an outlet lock on the Delaware division of the Pennsylvania canal," approved the twentieth day of April, one thousand eight hundred and forty-six.

*SECTION 1. Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That so much of the act to which this is a supplement, as authorizes the erection of dams in the Delaware river, be and the same is hereby repealed.*

WILLIAM F. PACKER,

*Speaker of the House of Representatives.*

WM. WILLIAMSON,

*Speaker of the Senate.*

APPROVED—The ninth day of February, one thousand eight hundred and forty eight.

FRS. R. SHUNK.

No. 40.

## AN ACT

Relative to the roads in Middletown township, Delaware county.

*SECTION 1. Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That so much of the revised act, entitled "An Act relating to county rates and levies, and township rates and levies," approved April fifteenth, one thousand eight hundred and thirty-four, and the act, entitled "An Act relating to roads, highways and bridges," passed June thirteenth, one thousand eight hundred and thirty six, as relates to the public roads and highways of the several townships of this commonwealth, be and the same is hereby revived in the township of Middletown, in the county of Delaware: Provided, That nothing herein contained shall be construed to authorize the supervisors to employ a clerk, collector of road tax, or treasurer, at the expense of said township, nor to prevent them from procuring the necessary assistance in making and repairing the public roads in said township, by special contracts or otherwise, as they shall deem most advantageous to the interest of the inhabitants thereof.*

Certain acts re-  
vived.

Provided.

SECTION 2. That the qualified voters of said township are hereby authorized to elect, at their annual township election, in March, one thousand eight hundred and forty-eight, three supervisors, one of whom shall serve one year, one two years, and one three years; and annually thereafter they shall elect one to serve a term of three years, two of whom shall be a quorum. Elect supervisors.

SECTION 3. That so much of an act, entitled "An Act granting certain powers to the authorities of the city of Lancaster and Philadelphia, and for other purposes," passed sixteenth day of April, one thousand eight hundred and thirty-eight, as relates to the roads and highways in the county of Delaware, together with all other acts and supplements inconsistent with the provisions of this act, are hereby declared not to extend to the township of Middletown, in the county of Delaware. Certain acts declared not to extend to Middletown township, Delaware county.

WILLIAM F. PACKER,  
*Speaker of the House of Representatives.*

WM. WILLIAMSON,  
*Speaker of the Senate.*

APPROVED—The ninth day of February, one thousand eight hundred and forty eight.

FRS. R. SHUNK.

No. 41.

### AN ACT

To authorize the canal commissioners to examine the claim of Randal Evans, for damages sustained by fire on the Columbia railroad.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met. and it is hereby enacted by the authority of the same,* That the canal commissioners be authorized and required to examine the claims of Randal Evans, of Chester county, for damages sustained by fire from the locomotive engine on the Columbia and Philadelphia railroad, March twenty-fourth, one thousand eight hundred and forty-five, and report the facts to the legislature: *Provided,* That the inquiry shall be limited to such articles of personal property, as were not taken into account in a former settlement, the distinction of which shall be authenticated by the oath of a competent witness.

WILLIAM F. PACKER,  
*Speaker of the House of Representatives.*

WM. WILLIAMSON,  
*Speaker of the Senate.*

APPROVED—The ninth day of February, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

No. 42.

## AN ACT

Authorizing the canal commissioners to settle the claim of Dickey, Hawk and Marshall.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the canal commissioners be and they are hereby authorized to examine and settle the account of Dickey, Hawk and Marshall, according to any written contract or understanding between said commissioners and Dickey, Hawk and Marshall, for work done on the Western division, Pennsylvania canal, and report the same to the legislature.

WILLIAM F. PACKER,

*Speaker of the House of Representatives.*

WM. WILLIAMSON,

*Speaker of the Senate.*

APPROVED—The ninth day of February, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

No. 43.

## AN ACT

Authorizing the state treasurer to negotiate a temporary loan.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the state treasurer be and he is hereby authorized to borrow, on temporary loan, the sum of one hundred and sixty thousand dollars, of which sum sixty thousand dollars shall be applied to the payment of the interest upon the state debt, which fell due on the first of February last, and the sum of one hundred thousand dollars for the extraordinary repairs of the canals and railroads of this commonwealth; and certificates of loan signed by the auditor general, and countersigned by the state treasurer, shall be issued for the sum borrowed by authority of this act, bearing an interest not exceeding six per cent., and reimbursable within ninety days; and the faith of the commonwealth is hereby pledged for the re-payment of the said loan, out of the first receipts at the treasury; and the state treasurer is hereby authorized to convert

said receipts into par funds, as may be necessary to secure the repayment of said loan, in gold or silver, or their equivalent.

WILLIAM F. PACKER,  
*Speaker of the House of Representatives.*

WM. WILLIAMSON,  
*Speaker of the Senate.*

APPROVED—The ninth day of February, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

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No. 44.

A FURTHER SUPPLEMENT

To an act to create permanently the office of state printer, passed the twenty-fourth day of April, eighteen hundred and forty-three.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That hereafter there shall be printed of the bills of each house two hundred copies; and one dollar and twenty cents per page, shall be the basis upon which proposals shall hereafter be received for printing the same, under the act providing for giving out the public printing and binding to the lowest bidder: *Provided,* This act shall not take effect on the present contract with the state printer, unless he shall give his assent thereto, by furnishing the number of bills hereby provided for, in which event the auditor general shall calculate his per centage upon the aforesaid rate.

Number of bills  
to be printed.

Compensation.

Proviso.

SECTION 2. That the second section of the act, entitled "A supplement to an act to create permanently the office of state printer, passed the twenty-fourth day of March, eighteen hundred and forty-three," passed the twenty-fifth day of January, eighteen hundred and forty-seven, be and the same is hereby repealed: *Provided,* That when extra copies of any document are ordered by both houses, compensation on said extra copies shall be charged but once, if the same have been ordered within three days of each other.

Compensation for  
extra printing,  
regulated.

Proviso.

WILLIAM F. PACKER,  
*Speaker of the House of Representatives.*

WM. WILLIAMSON,  
*Speaker of the Senate.*

APPROVED—The fourteenth day of February, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

## No. 45.

## AN ACT

Relative to roads in Pine Creek, Warsaw and Heath townships, in the county of Jefferson, and the township of Spring Creek, in the county of Elk; also, supplementary to an act, entitled "An Act relative to roads in the township of Warsaw, Jefferson county," passed the thirteenth day of February, eighteen hundred and forty-seven, and to an act, entitled "An Act regulating election districts," passed the sixteenth of March, eighteen hundred and forty-seven.

**SECTION 1.** *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That from and after the passage of this act, the time for electing road commissioners in said townships, shall be at the annual township elections, and the said commissioners shall act as overseers of the poor, and shall have power to levy a tax not exceeding one cent on the dollar at any one time; and they shall also have power to divide said townships into any number of districts they may deem proper, not exceeding ten.

**SECTION 2.** That the supervisors, commissioners or path-masters of the several townships of Pine Creek, Warsaw and Heath, in the county of Jefferson, and the township of Spring Creek, in the county of Elk, be authorized, and they are hereby directed, to expend the one-half of all road taxes now due, or to become due, upon unseated lands in the townships aforesaid, for the years eighteen hundred and forty-eight and eighteen hundred and forty-nine, in making and repairing a certain state road, authorized by act of assembly, passed February sixteenth, eighteen hundred and forty-seven, leading from Brookville, in Jefferson county, to Ridgeway, in Elk county.

**SECTION 3.** That it shall be the duty of the supervisors, commissioners or path-masters of the several townships aforesaid, to proceed to work and lay out the said funds on the aforesaid state road, between the first day of May and the first day of September in each year, excepting so much as may be necessary for constructing or repairing bridges on said road.

**SECTION 4.** That a neglect or refusal of any or either of the said supervisors, commissioners or path-masters, to proceed to lay out the aforesaid funds on the road aforesaid, shall be deemed a misdemeanor in office, and upon application to the court of quarter sessions of the proper county, by any inhabitant of either of said townships, setting forth such neglect, it shall be the duty of the said court of quarter sessions to direct bills of indictment to be sent before the grand jury of the proper county, and upon the traversing or finding of any such grand jury, it shall be found that either of the said supervisors, path-masters or commissioners, of any of the townships aforesaid, are guilty of such neglect or refusal as aforesaid, it shall be the duty of said court to sentence such person or persons so offending, to pay a fine not less than twenty dollars, nor more than one hundred dollars.

WILLIAM F. PACKER,

*Speaker of the House of Representatives.*

WM. WILLIAMSON,

*Speaker of the Senate.*

APPROVED—The fourteenth day of February, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.



## No. 46.

## A SUPPLEMENT

To an act, entitled "An Act to incorporate the Carpenter Island meadow company," approved the twenty-fourth day of February, one thousand eight hundred and forty-seven.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the board of managers of the said Carpenter Island meadow company shall consist of four members, of which number three shall be a quorum for the transaction of all business appertaining to the company, and who, or a majority of whom, shall have power to fill all vacancies occurring in the board by death, resignation or otherwise; and the person or persons, so appointed or elected, shall continue in office until an election for managers shall be held, under and by the authority of the act to which this is a supplement, or until their successors shall be chosen; and at all elections for managers, four persons shall be chosen; but a failure to elect managers at the time specified by said act, shall not work a forfeiture of the charter of said company, but the managers, for the time being, shall, in such event, continue in office until their successors shall be chosen agreeably to the act of incorporation. Number of managers.  
Powers.

SECTION 2. That Isaac Reeves, Benjamin Serrill, Caleb Churchman and Jabez Bunting, be and they are hereby appointed managers of said company, and shall have the power to construct the new work provided for by the act to which this is a supplement; and also to appoint a treasurer until the third Monday in March, one thousand eight hundred and forty-nine, or until their successors shall have been elected, which election shall be called and conducted by Caleb Churchman, Benjamin Serrill and Isaac Reeves. or any two of them; and on the third Monday of March, in that and every year thereafter, an election shall be held in manner aforesaid, for said officers; ten days' public notice of the time and place of such election shall be given by the treasurer of the said company. Managers appointed.  
Provision for holding election.

SECTION 3. That for the purpose of assessing the cost and expense of locating, constructing and completing the embankments, sluices, flood-gates, and other devices, as provided for by the fourth section of the act to which this is a supplement, the board of managers, after having fixed upon a day, shall give at least five days' notice thereof, by written or personal notice, upon each owner or owners, trustee or legal representative, of the several tracts of land interested in such improvement, as held and owned on the twenty-fourth of November, one thousand eight hundred and forty-seven, upon which notice the said owner or owners, trustee or legal representative thereof, shall appoint one disinterested person, each to meet at the time and place as fixed upon by the board of managers for the purposes aforesaid, and who may thereafter meet upon their own adjournments; and a majority of such persons may perform the duties in the said section prescribed, and make their written award to the said managers for collection as therein prescribed; and until paid, such apportioned assessment shall be a lien on the real estate against which it shall be assessed and apportioned: Manner of assessing the costs for construction of works, prescribed

and for the purpose of receiving such notice, any one of two or more tenants in common, or of trustees, and equitable owners, shall be deemed fully to represent the tract of land he may be interested in, and but one appointment shall be made by all the owners, legal or equitable, or their agent, of any one tract, or of several tracts, owned or represented by the same persons; and if any owner, authorized to appoint such disinterested person, shall fail to do so after due notice, and waiting of one-half hour at the time and place designated as aforesaid for such appointment, he or they shall be considered as having waived and forfeited all right to make such appointment, and shall be equally bound and obliged to make payment, as if he or they had duly appointed such person to assess and apportion the charges aforesaid; and in order to provide the means for the construction and completion of said works, the said assessment and apportionment may be made before the work shall be commenced, and made payable in instalments; the first thereof before the work shall be begun, and the others as it shall be advanced towards completion on the call of the managers; and should said instalments not prove sufficient for the completion of the works, the same disinterested persons, or their survivors, shall make a new assessment and apportionment for said purpose, and each instalment may be repeatedly collected, as also all assessments made by the managers; amounts under one hundred dollars, as other debts before a justice of the peace, and amounts of one hundred dollars and upwards, according to the provisions of the act of eleventh of March, one thousand eight hundred and forty six, entitled "An Act relating to registered taxes and municipal claims in the county of Philadelphia."

Instalments, how  
payable.

Part of former  
act repealed.

SECTION 4. That the second and eighth sections of the act to which this is a supplement, are hereby repealed; and also so much of the twelfth section as restricts the use of the road, therein required to be laid out, to the garrison on Mud island and the adjoining owners, which road may be made by the managers on or along the contemplated bank.

Repeal.

SECTION 5. That such portion or portions of the act to which this is a supplement, inconsistent with the provisions of this act, be and the same are hereby repealed.

WILLIAM F. PACKER,  
*Speaker of the House of Representatives.*

WM. WILLIAMSON,  
*Speaker of the Senate.*

APPROVED—The fourteenth day of February, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

## No. 47.

## AN ACT

To authorize the trustees of the Methodist Episcopal church in Washington, Washington county, to sell and convey certain real estate.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That Samuel Hazlett, Alexander Sweeney, John Harter, John Shaffer, Joseph Reynolds, William Wiley, Abraham B. Wolf and George Lonkert, the trustees of the Methodist Episcopal church in Washington, Washington county, or a majority of them, be and they are hereby authorized and empowered to sell, at public or private sale, the lot of ground on which the old Methodist Episcopal meeting house stands, fronting on Chesnut street sixty feet, and running back two hundred and forty feet to Pine alley, (being the lot of ground conveyed to the trustees of said church in trust, for the use of the Methodist Episcopal church, by John Hoge and Elizabeth Hoge, by indenture, bearing date the eleventh day of January, in the year of our Lord, one thousand eight hundred and twelve) and to assure and convey unto the purchaser, by deed or other legal conveyance, in fee simple, the said lot with the appurtenances: *Provided*, That the court of common pleas of the said county, shall take sufficient security for the faithful application of the proceeds of the sale hereby authorized. Trustees empowered to sell. Proviso.

SECTION 2. That Samuel Hazlett, Alexander Sweeney, Samuel Mount, John Harter, John Shaffer, Joseph Reynolds, Philip Kuhn and Jacob S. Shaffer, the trustees of the parsonage of the Methodist Episcopal church in Washington, Washington county, or a majority of them, be and they are hereby authorized and empowered to sell, at public or private sale, the lot of ground and parsonage of said church, with the appurtenances thereunto belonging, to wit: The lot fronting on Bean street sixty feet, and running back two hundred and forty-feet to Pine alley, (being the lot formerly purchased by the said trustees of Henry Langley, as the executor of the last will and testament of Robert Latimer, and conveyed to them in trust, as a parsonage for the use of the preacher, for the time being, of said church in the borough of Washington, by deed dated the eight day of February, in the year of our Lord, one thousand eight hundred and thirty-nine,) and to assure and convey unto the purchaser, by deed or other legal conveyance, in fee simple, the said lot with the appurtenances, subject, however, to the payment of the annual quit rent charged upon said lot: *Provided*, That the proceeds arising from the sale of said property, shall be faithfully appropriated in the purchase or erection of a new parsonage for the use of said church. Trustees empowered to sell parsonage. Proviso.

WILLIAM F. PACKER,  
*Speaker of the House of Representatives.*

WM. WILLIAMSON,  
*Speaker of the Senate.*

APPROVED—The fourteenth day of February, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

No. 48.

## AN ACT

To lay out and extend South Prince street, in the city of Lancaster.

**Commissioners appointed.** SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That A. L. Hays, Israel Carpenter, Doctor Peter Bier, Christopher Hager and William Whiteside, are hereby appointed commissioners to lay out and extend South Prince street, in the city of Lancaster, from the southern termination of said street, to the intersection of the public road leading to Port Deposit, at or near to the blacksmith shop now standing upon the meadow land of Matthias Greaff, in Lancaster township; and also to view, and if in their opinion it should be deemed proper, vacate that part of Strawberry alley which leads from South Prince to Water street, in said city of Lancaster.

**To be qualified.** SECTION 2. It shall be the duty of the said commissioners, or a majority of them, (first taking an oath or affirmation before some alderman of the city of Lancaster, to perform the duties enjoined upon them by this act, with impartiality and fidelity,) to proceed, as soon after the passage of this act as convenient, to attend to the duties specified in the preceding section of this act; and if in their opinion, or the opinion of a majority of them, said South Prince street ought to be opened and extended, and that said part of Strawberry alley is useless, inconvenient and burthensome, and ought to be vacated, then they shall make out a plot or draft of said street so to be opened by its courses and distances, having regard to the best ground, and the least possible damage to property; and they shall also make report of the width of said extended street, which shall not exceed the present width of said Prince street; and they shall also make out a plot or draft of so much of said Strawberry alley, as in their opinion, as aforesaid, ought to be vacated, and make return of the same, under their hands and seals, to the court of quarter sessions of Lancaster county, to be entered on record, and thereupon the said street shall become a public highway; and it shall be the duty of the supervisor of the city of Lancaster to proceed, forthwith, to open the same; and the said alley shall be vacated according to such report, as aforesaid.

**Duties.**

**Damages, how to be assessed.** SECTION 3. The court of quarter sessions of Lancaster county, on the petition of any owner of a lot or land through which the said street shall be extended and opened, representing that he or she has sustained damages thereby, shall appoint six freeholders of said city to view the premises, and adjudge the amount of damage (if any) sustained, taking into consideration the probable advantages of the said street to the complainant, and the said amount shall be paid, after being approved by the court, out of the county treasury: *Provided always,* That the said viewers shall, each of them, before they proceed to assess the said damages, take an oath or affirmation before some alderman of the city of Lancaster, justly and truly to value the same, and to consider the

**Proviso.**

advantages, as well as disadvantages, of the extension and opening of the said street, to the complainant.

WILLIAM F. PACKER,  
*Speaker of the House of Representatives.*

WM. WILLIAMSON,  
*Speaker of the Senate.*

APPROVED—The fourteenth day of February, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

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No. 49.

### AN ACT

To authorize the canal commissioners to sell and convey certain real estate in Conemaugh township, Cambria county, to the trustees of the Roman Catholic church.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That it shall and may be lawful for the canal commissioners of Pennsylvania to sell a part of a lot of ground in the township of Conemaugh, county of Cambria, to the trustees of the Roman Catholic church of said place, and make a deed for all the interest of the commonwealth of, in, and to the same: Provided, That if the said commissioners shall deem such sale detrimental to the interests of the commonwealth, the same shall not be made.*

WILLIAM F. PACKER,  
*Speaker of the House of Representatives.*

WM. WILLIAMSON,  
*Speaker of the Senate.*

APPROVED—The fourteenth day of February, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

## No. 50.

## AN ACT

## Regulating election districts.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* hereafter the qualified electors of the township of Dallas, in the county of Lehigh, shall hold their general elections at the house of Dennis Huntzicker, in said township.

Lehigh.

SECTION 2. That the borough of Landisburg, in the county of Perry, shall hereafter constitute a separate election district, and that the qualified electors thereof shall hold their general and borough elections at the school house in said borough; and that Abraham B. Albert is hereby appointed judge, and Hugh K. Wilson and James L. Diven, inspectors, to hold the first election after the passage of this act.

Perry.

SECTION 3. The qualified electors of M'Intyer township, Lycoming county, shall hereafter hold their township and general elections at the house now occupied by Thomas S. Davis, in said township; and David Walsh is hereby appointed judge, and Manoah Alden and Thomas S. Davis, are hereby appointed inspectors, to hold the township elections in said township, in February next, for the purpose of electing the usual township officers for the ensuing year; who, in conducting said election, shall be governed by the election laws of this commonwealth.

Lycoming.

SECTION 4. The qualified electors of Penn Forest township, Carbon county, shall hereafter hold their township and general elections at the house of Joseph Serfass, in said township.

Carbon.

SECTION 5. That hereafter the qualified electors of the township of Heidelberg, in the county of York, shall hold their general and township elections at the house now occupied by Frederick Stover, in said township.

York.

SECTION 6. The qualified electors of the township of Oregon, in the county of Wayne, shall hereafter hold their township and general elections at the house of Charles W. Smith, in said township.

Wayne.

SECTION 7. The qualified electors of Racoon township, Beaver county, shall hereafter hold their spring elections at the house now occupied by Thomas Parkinson, in said township.

Beaver.

SECTION 8. That the qualified electors of the township of Fawn, in the county of York, shall hold their township and general elections at the public house known as the Blue Ball, in said township.

York.

SECTION 9. That so much of the fifty-eighth section of the act relating to election districts of this commonwealth, approved the sixteenth day of March, A. D. one thousand eight hundred and forty-seven, as relates to the division of the township of Beaver, in the county of Crawford, the same is hereby extended until the first Tuesday of March, A. D. one thousand eight hundred and forty-nine.

Crawford.

SECTION 10. That hereafter the qualified electors of the township of Peters, in the county of Franklin, shall hold their township elections at the school house, on lands formerly the estate of Charles Gillaspie, deceased.

Franklin.

SECTION 11. That the qualified electors of Doylestown township,

Bucks.

Bucks county, shall hereafter hold their general and township elections at the public house now occupied by John Shieve, in said township.

SECTION 12. That hereafter the qualified electors of Pennsbury township, Chester county, shall hold their general and township elections at school house, No. two, at or near the centre of said township.

SECTION 13. That hereafter the qualified voters of Shamokin township, Northumberland county, shall elect, at their usual place of holding the spring elections, in the spring of eighteen hundred and forty-eight, three supervisors, in and for said township.

SECTION 14. That the qualified electors of Blythe township, in the county of Schuylkill, shall hold their general elections, after the passage of this act, at the public house of Joseph Balliet, in Middleport, in said county.

SECTION 15. That hereafter the qualified electors of the township of Erie, Greene, in the county of Erie, shall hold their general and township elections at the new school house near William Lawrence's, on the "Lake Pleasant road," and at present in sub-school district number fifteen, in said township.

SECTION 16. That the electors of the township of Liverpool, in the county of Perry, shall hereafter hold their general elections at the house now occupied by Richard Knight, in the borough of Liverpool.

SECTION 17. That the township of Taylor, in the county of Centre, shall form and constitute an election district, and the qualified electors thereof shall hereafter hold their general and township elections at the public school house near Hannah furnace, in said township.

SECTION 18. That hereafter the general and township elections in the Concord district of Fannet township, Franklin county, shall be held at the house of Samuel and Matthew Coulter, now occupied by David Poke, in said township.

SECTION 19. That hereafter the general and township elections of the township of Gaskill, in the county of Jefferson, shall be held at the house of David Kerr, in said township.

SECTION 20. That the qualified voters of the new township of Shaler, in the county of Allegheny, shall hold their general and township elections at John Shaw's mill, in said township; and that Alfred G. Loyd shall be the judge, and J. M'Elheny and Thomas Stewart shall be the inspectors of all elections, until others are duly elected.

SECTION 21. That hereafter the qualified voters of the township of Armenia, in the county of Bradford, shall hold their general and township elections at the house of John S. Beeker, in said township.

SECTION 22. That the general elections in Lower Delaware ward, in the city of Philadelphia, shall hereafter be held at two consecutive windows in the front of Independence Hall, in said city, one of which windows shall be appropriated to all of the qualified citizens of the east precinct, and the other to the use of the qualified citizens of the west precinct of said ward; and the seventy-second section of an act, entitled "An Act regulating election districts," approved the sixteenth day of March, one thousand eight hundred and forty-seven, be and the same is hereby repealed.

WILLIAM F. PACKER,  
*Speaker of the House of Representatives.*

WM. WILLIAMSON,  
*Speaker of the Senate.*

APPROVED—The fifteenth day of February, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

## No. 51.

## A FURTHER SUPPLEMENT

To the act, entitled "An Act to incorporate the Cumberland Valley railroad company."

Preamble.

WHEREAS, The Cumberland Valley railroad company is desirous to re-construct their road, and lay a heavy T rail thereon ; therefore,

Increase capital.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the Cumberland Valley railroad company be and is hereby authorized and empowered to add to the capital stock of said company, not exceeding nine thousand shares of fifty dollars each, and to distribute said new stock to the stockholders, or to sell the same, or any part thereof, upon such terms and with such guaranties regarding dividends thereon, as shall be determined on by the board of directors at any general or special meeting : *Provided,* That said stock shall not be sold at any less rate than fifty dollars per share.

Proviso.

Privileges of additional stockholders.

SECTION 2. That the subscribers or purchasers of the said stock hereby created, their executors, administrators or assigns, shall, at all elections of the said company, be entitled to all the rights and privileges to which the original stockholders are entitled.

This act to be approved.

SECTION 3. That this act shall not take effect until it shall have been submitted to a meeting of the stockholders and bondholders of the said company, to be convened for that purpose, of which notice shall be given in one newspaper in Philadelphia, and also in Carlisle and Chambersburg ; and at which meeting and all other meetings of the stockholders and bondholders of the said company, the votes to which each shall be entitled, shall be governed by the provisions of the original charter and the supplements thereto.

WILLIAM F. PACKER,  
*Speaker of the House of Representatives.*

WM. WILLIAMSON,  
*Speaker of the Senate.*

APPROVED—The fifteenth day of February, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.



No. 52.

## AN ACT

To change the name of Joseph Parker to Joseph Parker Brolasky.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* Joseph Parker, of the city of Philadelphia, be and he is hereby authorized to change his name from Joseph Parker to Joseph Parker Brolasky; and he shall henceforth be called and known by the name of Joseph Parker Brolasky, and by that name shall be able and capable in law to sue and be sued, grant, receive, take and inherit any estate, real or personal, and to do all other legal acts as effectually to all intents and purposes, as he could have done by his former name, if no change had been made therein.

WILLIAM F. PACKER,  
*Speaker of the House of Representatives.*  
 WM. WILLIAMSON,  
*Speaker of the Senate.*

APPROVED—The fifteenth day of February, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

No. 53.

## AN ACT

In relation to the seat of justice of the county of Columbia.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* the seat of justice of the county of Columbia shall be hereafter situate at the town of Bloomsburg, in said county; and the said seat of justice shall be held and deemed to have been lawfully fixed and located at the said town of Bloomsburg, on and from the thirtieth day of November, one thousand eight hundred and forty-seven.

WILLIAM F. PACKER,  
*Speaker of the House of Representatives.*  
 WM. WILLIAMSON,  
*Speaker of the Senate.*

APPROVED—The fifteenth day of February, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

No. 54.

## A N A C T

Regulating election districts.

Lycoming.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the forty-seventh and sixty-fifth sections of the act, passed on the sixteenth day of March, one thousand eight hundred and forty-seven, entitled "An Act regulating election districts," be and the same are hereby repealed; and that hereafter the qualified voters of Muncy and Muncy Creek townships, in Lycoming county, shall hold their general elections at the respective places appointed by law, prior to the passage of the act aforesaid.

Westmoreland.

SECTION 2. That the qualified voters of that part of Hempfield township, Westmoreland county, who have heretofore held their general elections at the house of Joseph Gross, in New Staunton, shall hereafter hold their general and township elections at the stone school house, in the said village of New Staunton; and that the same judge, inspectors and clerks, who held the last general election, shall hold the first township election for the election of township officers.

Adams.

SECTION 3. That the qualified voters of the township of Menallen, in the county of Adams, shall hereafter hold their general and township elections at the public school house in the town of Bendersville, in said township.

Centre.

SECTION 4. That the qualified voters of the township of Worth, in the county of Centre, shall hereafter hold their township and general elections at the house used as a school house and church, in the village of Beekwithsville, in said township; and that Clement Beekwith, of said township, is hereby appointed judge, and Job Williams and Jesse Cowher, are hereby appointed inspectors, who will hold and conduct the township elections for the said township of Worth, in February, eighteen hundred and forty-eight, for the election of township officers, and for the election of one judge and two inspectors; notice to be given of such election, and the same to be conducted, and the returns of such elections to be made, according to the several provisions contained in the acts of assembly regulating such elections.

Delaware.

SECTION 5. That hereafter the qualified voters of Tinicum township, in the county of Delaware, shall hold their township and general elections at the Tinicum hotel, in said county.

Butler.

SECTION 6. That hereafter the qualified voters of East Conoquenessing township, in the county of Butler, shall hold their township and general elections at the house of Major Alexander Graham, in said township.

Venango.

SECTION 7. That hereafter the qualified electors of Sugar Creek township, Venango county, shall hold their general and township elections at the house of Andrew Webber, in said township.

SECTION 8. That hereafter the qualified electors of the township of Lancaster, Penn, in the county of Lancaster, shall hold their general election at the public house of Christian Hershey.

WILLIAM F. PACKER,  
*Speaker of the House of Representatives.*

WM. WILLIAMSON,  
*Speaker of the Senate.*

APPROVED—The fifteenth day of February, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

No. 55.

## AN ACT

For the relief of Benjamin Maule.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the canal commissioners are hereby authorized and directed to examine the claim of Benjamin Maule, for erecting a certain portion of fence along the Columbia railroad, near Maule's bridge; and if they shall ascertain, after a full examination, that he has performed work for the commonwealth for which he has received no compensation, they shall report the amount which they may find due, to the legislature.

Canal commissioners to examine claim.

WILLIAM F. PACKER,  
*Speaker of the House of Representatives.*

WM. WILLIAMSON,  
*Speaker of the Senate.*

APPROVED—The eighteenth day of February, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

No. 56.

## A FURTHER SUPPLEMENT

To an act incorporating the Beaver Meadow railroad and coal company, passed the seventh day of April, one thousand eight hundred and thirty.

*SECTION 1. Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That*

Additional stock. *for the purpose of enabling the Beaver Meadow railroad and coal company to re-construct and re-lay their present railroad with H rail, and to enable said company (should they deem it expedient) to extend the double track of their railroad from Beaver Meadow to Shippingport, opposite Mauch Chunk, it shall and may be lawful for the stockholders of said company, at a meeting to be called in the usual manner, to authorize their president and directors to dispose of such an additional amount of stock at the best price which can be obtained therefor, and at such time or times as said president and directors may deem most expedient and conducive to the interest of the said company, as will be necessary to realize sufficient funds to enable said company to carry out the purposes aforesaid: *Provided, That said stock shall be sold in the manner and for a price not less than the minimum which may be fixed upon by the stockholders at the meeting aforesaid: *Provided also, That in no event shall the stock which may be sold by virtue of this act exceed in amount four thousand shares: *And provided further, That none of the money arising from the sale of stock under this act, shall be appropriated to mining purposes, or to any other use or purpose whatever, than that before mentioned.****

Proviso.

Proviso.

Proviso.

*SECTION 2. That from and after the first day of March, one thousand eight hundred and forty-eight, if the said company should accept the provisions of this act, it shall not be lawful for the Beaver Meadow railroad and coal company to charge a greater rate of toll for coal passing over the whole, or any part of their road, than one and a-half cents per ton per mile, the ton to be two thousand two hundred and forty pounds; nor shall any toll be charged on locomotives and their tenders, while used for transporting coal from the mines to the landings, nor on them or the empty cars when returning from the landings to the mines for coal.*

Tolls.

*SECTION 3. That nothing in this act shall be construed to repeal or impair any of the provisions of the said laws heretofore passed, intended for the protection of the works of the Lehigh coal and navigation company, from being interfered with or injured by the said railroad.*

Extent of this act.

*SECTION 4. That all laws or parts of laws heretofore passed in reference to the Beaver Meadow railroad and coal company, inconsistent with the provisions of this act, be and the same is hereby repealed.*

Repeal.

WILLIAM F. PACKER,

*Speaker of the House of Representatives.*

WM. WILLIAMSON,

*Speaker of the Senate.*

APPROVED—The eighteenth day of February, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

No. 57.

## AN ACT

To confirm the title of Peter Baldy to certain real estate.

WHEREAS, Thomas Grant, the elder, of Northumberland county, deceased, on the twelfth day of May, one thousand eight hundred and fifteen, made his last will and testament, and appointed his wife, Deborah Grant, and his sons, George and William, his executors; and in his said will, among other things, devised as follows: "And I also hereby authorize them, (the executors,) or a majority of the survivors of them, to sell and convey all such part of my real estate, excepting only the mansion farm, as may be found necessary to pay my debts and educate my minor children aforesaid. It is further my will, and I hereby order and direct, that after the decease of my beloved wife, the mansion farm shall be sold for the best price, and the proceeds divided amongst my children aforesaid, and their legal representatives, share and share alike :"

Preamble.

And whereas, William Grant, one of the executors, died many years since; that Deborah Grant is also dead; that George Grant, one of the executors, although living, was removed by the orphans' court of Northumberland county, from his trust aforesaid, and that Kenderton Smith, of the city of Philadelphia, who intermarried with Deborah Grant, one of the children of Thomas Grant, the elder, was, at the time of the sale hereinafter mentioned, and yet is, the administrator with the will annexed, of the said Thomas Grant, deceased:

And whereas, The said Kenderton Smith, in pursuance of the authority given to the executors, in the said will, to him, as administrator aforesaid, advertised the mansion farm of the said deceased, in Augusta township, Northumberland county, containing three hundred and fifty-six acres, strict measure, to sale by public vendue or outcry, and sold the same to Peter Baldy, of Danville, Columbia county, on the eighteenth day of October, one thousand eight hundred and forty-six, and that in pursuance of the rights vested in the said administrator, he made a deed for the same to the said Peter Baldy, on the sixth day of November, one thousand eight hundred and forty-six, and under said deed the said Peter Baldy went into possession of the property so conveyed, on the first day of April, one thousand eight hundred and forty-seven, and is yet in possession of the same; but inasmuch as doubts may arise as to the power of said administrator, et cetera, to make sale as aforesaid; therefore,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the sale of the aforesaid mentioned mansion farm, containing three hundred and fifty-six acres, strict measure, as above described and mentioned in the last will of Thomas Grant, the elder, deceased, and sold by public vendue or outcry by Kenderton Smith, administrator, et cetera, as aforesaid, to the said Peter Baldy, be and the same is hereby confirmed and made valid in law, and that the title of the said Peter Baldy, and of all and every person or persons claiming or to claim under him by purchase, devise, descent or otherwise, to the said premises in the

Sale confirmed.

aforesaid mentioned deed described, together with the appurtenances, be and the same is hereby confirmed and made valid, and the title to the same is vested in the said Peter Baldy, in fee simple, as fully and absolutely, and to the same extent and effect to all intents and purposes, as though the said administrator's right to sell said mansion farm, had been specially and particularly set forth and conferred in the last will of the said Thomas Grant, deceased.

WILLIAM F. PACKER,  
*Speaker of the House of Representatives.*

WM. WILLIAMSON,  
*Speaker of the Senate.*

APPROVED—The eighteenth day of February, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

No. 58.

## AN ACT

Entitled "An Act relating to the borough of Hollidaysburg, in Blair county."

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* at the election of officers for the borough of Hollidaysburg, in Blair county, on the third Friday in March, one thousand eight hundred and forty-eight, the electors qualified to vote for borough officers, shall elect one person to serve as burgess, for the term of three years, and six persons to serve as a borough council, two of whom shall serve three years, two two years, and two one year; their respective terms to be decided by lot, to be drawn in the presence of the burgess, at the first meeting of the council after their election; and at every subsequent annual election, two persons shall be elected to serve for three years, in place of the two whose term of office shall then expire; and so many, and for such time as may be necessary to supply any vacancies that may occur from death, resignation or otherwise; and the term of office of burgess of said borough is hereby extended to three years.

To elect borough  
officers.

Powers of high  
constable.

SECTION 2. That the high constable of the borough of Hollidaysburg, shall have full power and authority to discharge all the duties enjoined by law on constables, as entitled to receive the same fees, and be subject to the same regulations and penalties as are prescribed and contained in the laws now existing, or that may hereafter be passed concerning constables within this commonwealth.

Powers of school  
directors.

SECTION 3. That the school directors of Hollidaysburg school district, in Blair county, shall have power to fix the age at which children may be admitted to the common schools of said district, at six years.

Repeal.

SECTION 4. That so much of the act of incorporation of the borough of Hollidaysburg, and of the laws regulating the common schools, so

far as relates to the Hollidaysburg school district, hereby altered or supplied, be and the same is hereby repealed.

WILLIAM F. PACKER,  
*Speaker of the House of Representatives.*

WM. WILLIAMSON,  
*Speaker of the Senate.*

APPROVED—The eighteenth day of February, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

No. 59.

## SUPPLEMENT

To an act, entitled “An Act to authorize the governor to incorporate a company to make a lock navigation on the Youghiogheny river,” passed the eighteenth day of April, one thousand eight hundred and forty-three.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the Youghiogheny navigation company shall have the right to erect their Additional pow-dams and locks to lift to the height of thirteen and one-third feet, to enable them to overcome the fall, improve and protect the pools in the Youghiogheny river, from the mouth to the borough of West Newton, in the county of Westmoreland, being a distance of about eighteen miles, subject nevertheless to all the rights and privileges granted, and to all the penalties provided for in the former acts, referred to by the acts to which this is a supplement.

SECTION 2. That if the parties cannot agree in choosing five free-holders to view and assess the damages, as provided for in the acts referred to by the act to which this is a supplement, the same shall hereafter be appointed by the court of common pleas in the county where the damage is alledged to have been done, upon the application of the party aggrieved: *Provided,* That the said viewers shall not reside within ten miles of this improvement, nor shall they own any real estate within ten miles of the same, or be stockholders in the company.

Assessment of  
damages regu-  
lated.

Proviso.

WILLIAM F. PACKER,  
*Speaker of the House of Representatives.*

WM. WILLIAMSON,  
*Speaker of the Senate.*

APPROVED—The eighteenth day of February, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

No. 60.

## AN ACT

Authorizing the construction of a culvert or drain through the streets of Selinsgrove, in Union county.

Commissioners  
appointed to con-  
struct culvert or  
drain.

Proviso.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* John App, William Gangler and Christian Shrayer, of said town, be and are hereby constituted commissioners, with full power, right and authority, to construct a culvert or drain from a water pond at the west end of Bow street, in Selinsgrove, through the centre of said street, crossing High and Main streets, to terminate at a point near the bank of Penn's creek, on the south-east side of said town; with the like powers, rights and privileges, to them or either of them, to open and repair the same whenever it becomes necessary, and in case of their death or removal, whomsoever a majority of the electors of said town may designate: *Provided*, That in the construction or making repairs of said culvert, the streets through which it shall pass shall be made in as good and passable order as they were before the same was made.

WILLIAM F. PACKER,  
*Speaker of the House of Representatives.*

WM. WILLIAMSON,  
*Speaker of the Senate.*

APPROVED—The eighteenth day of February, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

No. 61.

## A SUPPLEMENT

To an act authorizing the governor to incorporate the Kittanning and Brady's Bend turnpike road company.

Time extended.

*Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That the time mentioned in the act to which this is a supplement, for opening books to receive subscriptions, shall be changed from the first day of June,*



one thousand eight hundred and forty-seven, to the first day of September, A. D. one thousand eight hundred and forty-eight.

WILLIAM F. PACKER,  
*Speaker of the House of Representatives.*

WM. WILLIAMSON,  
*Speaker of the Senate.*

APPROVED—The twenty first day of February, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

## No. 62.

### A SUPPLEMENT

To an act, entitled “An Act to authorize the governor to incorporate a company to make a turnpike road from the borough of Wilkesbarre, in Luzerne county, to the village of Hazleton,” passed the fifteenth day of April, Anno Domini one thousand eight hundred and forty-one.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That when a majority of the commissioners named in the act to which this is a supplement, shall certify under their hands and seals, to the governor of this commonwealth, that ten persons, or more, have subscribed two hundred shares of stock, it shall be lawful for the governor to issue letters patent, under his hand and the seal of the state, in pursuance of the provisions of the second section of the act to which this is a supplement. When letters patent to be granted

SECTION 2. That the time for commencing the construction of the said turnpike road shall be and is hereby extended to the first day of September, Anno Domini one thousand eight hundred and forty-eight, and the same to be completed within three years thereafter. Time extended.

SECTION 3. That as often as five miles of the said road are completed, it shall be lawful for the company to erect a gate and receive toll for such distance; and it shall also be lawful for the said company to extend the said turnpike road to the village of Tamaqua, in Schuylkill county, with the same privileges, and under the same regulations, as are provided in the act to which this is a supplement. When to take tolls.

SECTION 4. That so much of any act or acts of assembly as are inconsistent with this act, be and the same are hereby repealed. Repeal.

WILLIAM F. PACKER,  
*Speaker of the House of Representatives.*

WM. WILLIAMSON,  
*Speaker of the Senate.*

APPROVED—The twenty-first day of February, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

No. 63.

## A N A C T

Authorizing William Rabenald, administrator de bonis non of Michael Shaffer, deceased, to sell certain real estate.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same.* That

Power to sell.

William Rabenald, administrator de bonis non of Michael Shaffer, deceased, be and is hereby authorized and empowered to sell at public or private sale, a certain tavern house and plantation, situate in the township of Albany, in Berks county, of which the said Michael Shaffer died seized, now in the possession of Elizabeth Shaffer, widow of said Michael Shaffer; the proceeds of said sale to be distributed as follows,

Distribution.

viz: One-half to be divided among the heirs of said Michael Shaffer, according to the provisions of the last will and testament of said decedent; the remaining half part to be and remain a lien on said real estate, and the interest thereof to be paid to the said Elizabeth Shaffer, semi-annually, and at her decease to be divided among the heirs of her said husband, according to the aforesaid will: *Provided*, That before the said sale shall take place, the said administrator shall give bond, with sufficient sureties, to be approved of by the orphans' court, conditioned for the faithful application of the proceeds of the sale herein authorized, according to the provisions of this act; and before any deed is made, the said sale shall be returned to the orphans' court of Berks county, and be approved by said court.

Proviso.

WILLIAM F. PACKER,

*Speaker of the House of Representatives.*

WM. WILLIAMSON,

*Speaker of the Senate.*

APPROVED—The twenty-fifth day of February, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

No. 64.

## AN ACT

To change the name of Nathan Zachariah to Charles Johnson.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* Nathan Zachariah, of the county of Philadelphia, be and he is hereby authorized to change his name from Nathan Zachariah to Charles Johnson; and he shall be henceforth called and known by the name of Charles Johnson, and by that name shall be able and capable in law to sue and be sued, grant, receive, take and inherit, any estate, real or personal, and to do all other legal acts as effectually to all intents and purposes, as he could have done by his former name, if no change had been made therein.

WILLIAM F. PACKER,  
*Speaker of the House of Representatives.*

WM. WILLIAMSON,  
*Speaker of the Senate.*

APPROVED—The twentieth day of January, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

No. 65.

## AN ACT

To enable the trustees under the will of Elizabeth Finch to sell certain real estate.

WHEREAS, Elizabeth Finch, late of the city of Philadelphia, widow, deceased, by her last will and testament, bearing date the twenty-third day of January, in the year of our Lord one thousand eight hundred and twenty-two, duly proved and remaining in the register's office at Philadelphia, did give, devise and bequeath unto George Pepper, his heirs and assigns, all that certain lot or piece of ground, with the messuages and tenements thereon erected, situate on the south-east corner of Delaware Third street and Carter's alley, in the city of Philadelphia, containing in breadth on said Third street, twenty feet, and containing the same breadth eastward in length or depth, along said Carter's alley, fifty feet, with the appurtenances, in trust for her daughter Catharine, for life; and after her decease, for such uses and estates as she, the said Catharine, might by will or appointment direct and appoint, and for

Preamble.

want of such direction and appointment, then to the use of her lawful issue and heirs in such manner as the estates of persons dying intestate in Pennsylvania are disposed of according to law, charged with the equalization in favor of the three other children of the said testatrix, as in the said will is more fully and at large set forth :

*And whereas,* The said property requires improvement and repairs, and the parties interested therein are unable to improve or repair the same, so that it may be fully available to them in proportion to its value ; therefore,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the trustee or trustees for the time being, of the said hereinbefore mentioned messuage and lot of ground, with the appurtenances, under the said last will and testament of Elizabeth Finch, deceased, be and he or they are hereby authorized and empowered, with the consent and concurrence of the surviving children of the said Elizabeth Finch, to sell the said messuage and lot of ground, with the appurtenances, at public or private sale, for the best price that can reasonably be obtained for the same, and to convey the same, in fee simple, to the purchaser or purchasers thereof, free from and discharged of every trust, and without any obligation on the part of such purchaser or purchasers thereof, to see the application of the purchase money ; and also to grant the said premises to any person or persons, reserving a ground rent on perpetuity, either redeemable or irredeemable, in trust for the uses and purposes in the said will declared, of and concerning the said messuage and lot, and to sell such ground rent at any time, and to convey the same to the purchaser thereof, discharged from the trust of the said will, and without any obligation on his part to see to the application of the purchase money, and to release such ground rent on the payment or performance of the covenant or condition of extinguishment : *Provided,* That before the trustee or trustees shall make any such deed or deeds, where the whole or part of the consideration money is to be received by him or them, and before he or they shall make any deed for the sale or release of any such ground rent reserved as aforesaid, he or they shall give security in the orphans' court for the city and county of Philadelphia, to be approved of by said court, conditioned for the investment of the said consideration money or moneys paid on the sale of the said premises, or the sale or release of such ground rent upon the same trusts, and for the same uses, estates and persons as are declared, mentioned and set forth in the said will of Elizabeth Finch, deceased, and of and concerning the said messuage and lot ; and in case of inability of the said trustee or trustees to give such security, the said orphans' court may direct the investment of such consideration money or moneys in such securities as they may see fit, subject to said trusts, and subject to their direction and control.

Trustees authorized to sell.

Proviso.

WILLIAM F. PACKER,  
*Speaker of the House of Representatives.*

WM. WILLIAMSON,  
*Speaker of the Senate.*

APPROVED—The second day of March, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

No. 66.

## AN ACT

To authorize the surviving executors of Reuben Haines, deceased, to sell and convey certain real estate.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* it shall and may be lawful for the surviving executor of the last will and testament of Reuben Haines, late of the county of Philadelphia, deceased, by and with the consent of the survivors or survivor of the guardians therein appointed, to sell and convey any, and all real estate which they or any of them may have purchased or taken in exchange, or shall purchase or take in exchange in their own, or the names of the children of said decedent, for and on behalf of the estate of the said Reuben Haines, under and by virtue of the authority contained in the second section of an act of assembly, approved the eighth day of April, one thousand eight hundred and forty, authorizing sundry trustees to convey real estate, with the same effect as if the said property had been owned and devised by the said decedent, under his will, to be sold under the power of sale therein contained, and as if the survivors or survivor of said guardians had been thereby authorized to consent to said sale. Power to sell and convey.

WILLIAM F. PACKER,  
*Speaker of the House of Representatives.*

WM. WILLIAMSON,  
*Speaker of the Senate.*

APPROVED—The second day of March, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

No. 67.

## A FURTHER SUPPLEMENT

To an act, entitled "An Act to authorize the commissioners of the incorporated districts of the county of Philadelphia, to construct works for supplying said districts with water from the Schuylkill river," passed April eighteenth, one thousand eight hundred and forty-three.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That*

Expenses for en- from and after the passage of this act, all the expenses that may be in-  
largement of curred in the erection, completion, enlarging and improving the Schuyl-  
works, how to be kill water works, belonging to the incorporated districts of Northern  
borne and paid. Liberties and Spring Garden, shall be borne and paid for by the said  
incorporated districts of the Northern Liberties and Spring Garden, in  
Proviso. proportion to the amount of water rents of each district: *Provided*,  
That all expenses for supplying the Schuylkill water, by said districts,  
to the citizens or corporations out of the limits of the aforesaid districts,  
shall be equally borne; and the revenue derived therefrom, shall be  
equally divided between the said districts of the Northern Liberties and  
Spring Garden.

Repeal. SECTION 2. All laws or parts of laws inconsistent with any of the  
provisions of this act, or supplied thereby, are hereby repealed.

WILLIAM F. PACKER,  
*Speaker of the House of Representatives.*

WM. WILLIAMSON,  
*Speaker of the Senate.*

APPROVED—The second day of March, one thousand eight hun-  
dred and forty-eight.

FRS. R. SHUNK.

No. 68.

## AN ACT

To open an alley in the borough of Brookville, Jefferson county.

Commissioners. SECTION 1. *Be it enacted by the Senate and House of Representa-*  
*tives of the Commonwealth of Pennsylvania in General Assembly*  
*met, and it is hereby enacted by the authority of the same, That*  
Hugh Brady, James Corlies and John Gallaher, of the borough of  
Brookville, Jefferson county, be and they are hereby appointed commis-  
sioners to view and lay out a public alley from Red Bank creek, south  
To lay out a pub- of the south-west corner of lot, No. 22, along the west side of said lot,  
lic alley in boro' of Brookville. as also along the west side of lots, No. 1, 48, 49, 98, 99 and 5, and  
running parallel with Bennet street, in said borough, to Church street,  
in said borough.

Duties. SECTION 2. It shall be the duty of the said board of commission-  
ers, or a majority of them, after taking and subscribing an oath or  
affirmation before a justice of the peace, to perform the duties enjoined  
upon them by this act, with impartiality and fidelity, to carefully view  
the ground over which said alley may pass, and lay out the same in a  
straight line.

Further duties. SECTION 3. It shall be the duty of said commissioners plainly and  
distinctly to mark the ground agreed upon for the said alley, in such a  
manner as to enable the street commissioners readily to find the same.  
Said commissioners, respectively, shall receive a per diem allowance

not exceeding one dollar and fifty cents each for every day necessarily expended in the duties enjoined by this act; and said commissioner, performing the duties of surveyor, shall have and receive an additional compensation of one dollar per day for each and every day spent in laying out of said alley, to be paid in manner and form as hereinafter directed.

SECTION 4. It shall be the duty of said commissioners to make out a <sup>Draft.</sup> fair and accurate draft of the location of said alley, respectively noting thereon the courses and distances as they occur; also, the crossing of the other streets and alleys, with such other matters as may serve for explanation; one copy whereof shall be deposited in the office of the clerk of the court of the said county, on or before the first day of August next, or as much sooner as practicable, which shall be a record thereof; and from thenceforth the said alley shall be to all intents and purposes a public highway, and shall be opened to the breadth of twenty feet, and repaired in all respects as the other streets and alleys of said borough.

SECTION 5. That the accounts of said commissioners, for their pay, <sup>Accounts, how</sup> shall be made out and returned to the town council of said borough, <sup>settled and paid.</sup> according to the time spent in locating said alley; and that they be paid out of the borough treasury, on warrants drawn the usual way.

SECTION 6. That the said commissioners shall meet on or before the <sup>Time of meeting.</sup> first Monday of May next, or as soon thereafter as practicable, and complete the view of said alley; and if any vacancy occur, the court <sup>Vacancies, how</sup> of quarter sessions of the county shall supply, by the appointment of <sup>supplied.</sup> suitable persons, who shall perform said duty.

WILLIAM F. PACKER,  
*Speaker of the House of Representatives.*  
WM. WILLIAMSON,  
*Speaker of the Senate.*

APPROVED—The second day of March, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

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No. 69.

## A SUPPLEMENT

To an act, entitled “An Act to incorporate the district of Richmond, in the county of Philadelphia.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the said commissioners shall have full power and authority to lay <sup>Commissioners to</sup> annually any tax not exceeding six mills on the dollar, on the value, <sup>lay a tax.</sup> agreeably to the assessment made as directed by the provisions of the act to which this is a supplement, of all the real estate within the said

To defray ex-  
penses.

Proviso.

York street de-  
clared to be a  
market place.

Erect market  
houses.

Proviso.

Repeal.

district; and also on all persons residing within the same, and their occupation, to be applied to the purpose of defraying the expenses of the general survey and regulation aforesaid, of opening and repairing the public highways within the said district, keeping the public pumps in repair, and all other expenses not hereinbefore provided for, necessary for carrying the act to which this is a supplement, into execution, and to have the like power to collect the same as is exercised in collecting the county tax within this commonwealth; and all taxes, when collected, shall be paid to the treasurer for the use of said corporation: *Provided always*, That the said district shall not hereafter be assessed or bound to contribute towards any other tax whatever, in maintaining and repairing any highways or roads within its limits, reserving to the said commissioners the right of collection of any taxes heretofore laid and uncollected, under the act to which this is a supplement.

SECTION 2. That York street, so far as the same is or may hereafter be widened to the width of one hundred feet, from the east side of the Frankford road to the west side of West street, be and the same is hereby declared to be forever a market place; and it shall and may be lawful for the commissioners and inhabitants of Richmond district to erect, or cause to be erected, on the said street, a market house or market houses, or upon any other street or streets within the bounds of said district, extending from time to time as the state of improvement in the opinion of the said commissioners may require; and the said commissioners are hereby authorized to make such ordinances and regulations for the government of the same, as are not inconsistent with the provisions of the act to which this is a supplement: *Provided*, That the western boundary line of said district shall be the line of the western side of the Frankford road, from the northern line of Kensington district, to the Hart lane.

SECTION 3. That so much of any act or acts of assembly as are hereby altered or supplied, be and the same are hereby repealed, so far as respects this district.

WILLIAM F. PACKER,  
*Speaker of the House of Representatives.*

WM. WILLIAMSON,  
*Speaker of the Senate.*

APPROVED—The second day of March, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.



## No. 70.

## AN ACT

To incorporate the Health insurance company of Philadelphia.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That Samuel D. Orrick, Calvin Blythe, Rodney Fisher, Charles B. Hall, William F. Boone, Jacob Snider, junior, John Thomason, Daniel C. Lockwood, James P. Bruner, Edward Duff, William J. Crans and Charles P. Hayes, and all other persons who may hereafter be associated with them in the manner hereinafter provided, and their successors, shall be and they are hereby constituted and declared to be a body politic and corporate, by the name, style and title of the Health insurance company of Philadelphia, and by the same name shall have perpetual succession, and shall be able to sue and be sued, plead and be impleaded in all courts of record or elsewhere; and to purchase, receive, have, hold and enjoy, to them and their successors, lands, tenements, rents, annuities, franchises and hereditaments, goods and chattels of whatsoever kind, and choses in action, and the same may sell and dispose of, from time to time; and also to make and have a common seal, and the same to alter and renew at pleasure; and also to make, ordain, establish, and put in execution such by-laws, ordinances, and regulations as shall appear necessary and convenient for the government of the corporation, and for the management of its property, and the regulation of its affairs, not being contrary to this charter and the laws of this commonwealth, or of the United States, and generally to do and transact all such matters and things as shall, to them, lawfully appertain to do and transact for the well being of said corporation: *Provided*, That the clear yearly value of the lands and tenements of said corporation, including those held for its own use and accommodation, shall not exceed two thousand dollars: *And provided*, That nothing in this act shall be construed, to allow said corporation to exercise banking privileges.

Incorporators.

Style.

Privileges.

Proviso.

Proviso.

SECTION 2. The capital stock of said corporation shall not exceed one hundred thousand dollars, and shall be divided into shares of twenty-five dollars each, and there shall be paid into the treasury of said corporation, by each subscriber to the capital stock at the time of subscription, an instalment of at least five dollars on each share of the stock by him or them so subscribed; and as to the remaining sum due on each share, the directors of said company shall have the power to declare how, and in what manner, and at what times the same is to be paid, and to direct, if they think proper, that the party shall give his note, either with or without security, and generally to adopt that course which they think is best calculated to advance the interest of the institution.

Capital stock.

Instalments.

SECTION 3. The corporation hereby created, shall have the power to insure the health of the stockholders of said company, as well as all other persons who shall make application for that purpose, and to make all and every insurance appertaining to, or connected with health risks of whatsoever kind or nature: *Provided*, That said corporation shall have power to insure the health of such persons only, as are or may

Power of corporation.

Proviso.

become subscribers to the capital stock of said corporation, until two hundred shares have been subscribed for, and the instalment, as aforesaid, paid in ; and after the two hundred shares of said stock are subscribed for, and the instalments paid into the treasury, the said corporation shall have the power to insure the health of any one, without his becoming a stockholder, and generally to exercise all the powers and privileges of this act.

Board of directors.

Organization.

SECTION 4. The affairs of said company shall be managed and conducted by a board of directors, consisting of twelve members, to be constituted as hereinafter provided, in whom shall be vested all the corporate power and authority of this act ; the said directors shall elect, from their own number, a president and vice president ; and they shall also elect or appoint one person as secretary or actuary of said board, and one person as treasurer, of whom they shall require such security as may be provided in their by-laws ; and they may appoint such other officers, clerks, agents, physicians and attorneys, as may be found necessary for the transaction of the business of the company, and allow them such reasonable compensation as they may think proper ; five of said board of directors shall constitute a quorum for the transaction of business.

First board of directors.

SECTION 5. The twelve persons named in the first section of this act shall constitute the first board of directors.

Directors to divide themselves into classes.

Continuance.

SECTION 6. The directors shall at their first meeting, or within one month after their organization, divide themselves, by lot, into two classes, and if all the directors should not attend upon this occasion, those present shall act for the absent directors. The first class shall consist of six members, and the second class of six members. The term of the first class shall expire on the first Monday in January, one thousand eight hundred and forty-nine, and the term of the second class shall expire on the first Monday in January, one thousand eight hundred and fifty. The seats of the classes vacated shall be supplied by the stockholders, as hereinafter provided, but a director going out of office shall be eligible to a re-election. The board of directors may fill vacancies in their body, occasioned by death, resignation, removal out of the city and county of Philadelphia, or refusal to act ; the said appointment to continue until the next annual election of directors. The election for directors shall be held on the first Monday in January, in each year, between the hours of ten and twelve o'clock, at such place in the city of Philadelphia as the board of directors shall designate, of which time and place the secretary shall give at least one week's previous notice, in two of the daily newspapers printed in the city of Philadelphia, and the directors shall appoint three persons from among the stockholders to conduct the said election ; and in case the persons appointed do not attend or act, others shall be selected in their stead. Such election shall be by ballot, and a plurality of votes given shall elect ; each shareholder shall be entitled to one vote, but no stockholder shall be allowed more than ten votes ; absent stockholders may be represented by proxy.

Vacancies, how filled.

Annual election.

Investments.

SECTION 7. It shall be lawful for said corporation to invest its premiums, profits and capital, in bonds and mortgages, judgments, ground rents, United States loan and Pennsylvania loan, and to sell, transfer and change the same and re-invest the funds of said corporation whenever the directors shall deem it expedient. This act shall go into operation immediately after its passage.

Annual statement.

SECTION 8. The directors shall, on or before the first Monday in January of every year, cause a statement of the affairs of the company to be made, and a balance to be struck of the profit and loss account, and if there shall be any ascertained profits or surplus, after paying all

losses and expenses of the company for the preceding year, and providing for outstanding risks, the directors shall first set apart said profits and divide therefrom among the stockholders a sum not exceeding an interest of six per cent. per annum, on the amount of capital stock actually paid in on the stock held by them: *Provided*, So much of said profits remain, after paying said losses and expenses, and providing for said risks; and in case there is not sufficient remaining as aforesaid, to pay the said dividend of six per cent. to the stockholders, in any one year, the same may be made good and paid at a subsequent period, when the net resources of the company shall be sufficient for that purpose.

SECTION 9. After providing for all risks, losses, incidental expenses and dividends, as specified in the preceding section, then one moiety or half part of the remaining profits and surplus, if any there be, shall be reserved by the directors, and applied by them towards the payment of the capital stock, which shall have been subscribed before the striking of the balance of the affairs of the corporation, as aforesaid, and the other moiety or half part of the said remaining profits and surplus, may be divided among the stockholders and the persons insured, according to their respective interests; one-half thereof among the stockholders, and the other half among the insured; but no dividends whatever shall be made whereby the capital stock of said corporation, subscribed for and paid in, shall be reduced or impaired.

SECTION 10. The directors shall have the power to require every person subscribing to the stock of said company, to effect insurance therein, either upon his own health, or upon the health of some other person, for such length of time as they may prescribe; but every person effecting insurance in said company, shall have the privilege of subscribing for at least one share of said stock, paying at the same time the required instalment, until the whole number of shares authorized by this act shall be taken up; and any person subscribing for the stock of said company, and paying the instalment at the time of subscribing, as aforesaid, may be allowed by the directors, and with their permission, obtain in addition to the stock so subscribed by him, a policy of insurance upon his health, or upon the health of some other person, being in all other respects qualified according to the terms of the by-laws of said company; and such person so subscribing may receive a credit for the amount of the premium of such insurance, out of the said instalment, paid on one share of stock, until two hundred shares of the capital stock are subscribed for, but not after.

SECTION 11. Every person who shall subscribe to the stock of this company, or effect insurance therein, shall pay the rates that shall be agreed upon and determined by the directors; no stockholder or person insured shall be liable for any losses or expenses beyond the amount of stock which he may have subscribed for, or the amount of his premiums paid in.

SECTION 12. Suits at law may be maintained by said corporation against any stockholder, or person insured, for any cause relating to the business of the corporation; also, suits at law or equity may be prosecuted and maintained by any stockholder or person insured, for losses or damages insured against by them in this institution, if payment shall be withheld for more than thirty days after the same shall be due and payable, by the terms of the policy of insurance, and after the said corporation shall have been duly notified of such loss or damage; and no stockholder or person insured, not being in his individual capacity a party to such suit, shall be incompetent as a witness.

**SECTION 13.** In case of the death of any stockholder or person insured, the amount standing to his credit, if any, at the time of his death, shall be paid over to his legal representatives within sixty days; the profits and dividend of such stockholder, or persons insured, as have ceased to comply with the rules and regulations of the company, by non-payment of the premiums, or a renewal of the policy of insurance, shall be forfeited to the use of the company.

**SECTION 14.** Within thirty days after the first Monday in January, in the year eighteen hundred and forty-nine, and annually thereafter, the directors of said company shall cause to be made a general balance statement of the affairs of said company, which shall be entered in a book prepared for that purpose; such statement shall contain: First—The amount of premiums received during the previous year, and the amount of interest received from investments and loans: Second—The amount of expenses of said company during the same period: Third—The amount of losses incurred within the same term: Fourth—The balance remaining with the said company: Fifth—The nature of the securities in which the said balance is invested, and the amount of cash on hand; also, some account of existing policies; and the directors shall cause the said statement to be published in at least one daily newspaper printed in the city of Philadelphia.

**SECTION 15.** The business of the corporation shall be carried on at such place in the city of Philadelphia as the directors shall direct, and at such agencies out of the city as they may establish; and the first meeting of the directors shall be held as soon as practicable after the passage of this act; the said directors shall pass all by-laws, rules and regulations necessary for the good government of the affairs of the company; they shall determine the rates of insurance, and the amount of each risk; they shall have the power of calling meetings, and fixing stated periods for the same, whenever, in the opinion of said directors, the meetings are required; the seat of any director who shall have neglected to attend three successive stated meetings of the board, may be vacated by the directors, and his place supplied as is provided for in case of the death or resignation of a director.

**SECTION 16.** It shall and may be lawful for any married woman, by herself, and in her name, or in the name of any third person, with his assent as her trustee, to cause to be insured for her sole use and benefit, the health of herself, her husband, or any other person, for such period as she may think proper; and the amount of the insurance becoming due and payable by the terms of the insurance, shall be payable to her, to and for her own use, free from the claims of her said husband, or any of his creditors.

**SECTION 17.** If any director, officer, or other person connected with this institution, shall fraudulently embezzle or appropriate to his own use, or to the use of any other person, any money or other property belonging to said institution, or left with the same as a special deposit, or otherwise, he or they, upon conviction thereof in the court of quarter sessions, shall be fined in a sum not less than five hundred dollars, and be sentenced to undergo an imprisonment in the penitentiary or county prison, for any term not exceeding two years, at the discretion of the court: *Provided*, That this conviction shall not prevent any person or persons aggrieved, from pursuing his, her, or their civil remedy against such person or persons.

**SECTION 18.** Nothing in this act shall be construed so as to authorize said company to engage in life insurance, or anything else, save insurance upon health.

**SECTION 19.** The legislature may, at any time, alter or repeal this act; in such manner, however, as shall do no injustice to the stock-holders or persons insured, or injuriously affect any contract or engagement made by or with said company. Reservation.

WILLIAM F. PACKER,  
*Speaker of the House of Representatives.*

WM. WILLIAMSON,  
*Speaker of the Senate.*

**APPROVED—**The second day of March, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

No. 71.

### A SUPPLEMENT

To an act to authorize the governor to incorporate a company to erect a bridge over the Conemaugh, at or near Centerville, in the county of Indiana, and for other purposes, passed the twenty-seventh day of February, one thousand eight hundred and thirty-eight.

**SECTION 1.** *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the time for opening the books for subscriptions to said company, shall be changed from the first January, one thousand eight hundred and thirty-nine, to the first of January, one thousand eight hundred and forty-nine; and the said company shall have three years from date to complete the said work. Time for opening books changed.

**SECTION 2.** That so much of the first section of the act to which this is a supplement, as names the commissioners, is hereby repealed; and the commissioners shall be E. W. M'Kelvey, Hugh M. Graham, Aaron Norris, George Mabon, George Steel, William Carnahan, James Elliott Samuel Meanor and William Liggard, of Indiana county; R. H. M'Coy, William Mathews, C. B. Calahan, John Hill, William Graham, William M'Pherson and William Brown, of Westmoreland county, who shall do and perform all duties prescribed to be done by original commissioners. Commissioners appointed.

**SECTION 3.** That the capital stock of said company shall be reduced to six thousand dollars. Capital stock reduced.

WILLIAM F. PACKER,  
*Speaker of the House of Representatives.*

WM. WILLIAMSON,  
*Speaker of the Senate.*

**APPROVED—**The second day of March, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

No. 72.

## AN ACT

To authorize Leander W. Blackly, to dispose of his estate by will.

Empowered to  
make a will.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* Leander W. Blackly, of Beaver county, (a minor,) be and he is hereby authorized and empowered to dispose of his estate, real and personal, by a last will and testament, as fully and effectually to all intents and purposes, as the said Leander W. Blackly could or might do if he was of a lawful age, anything in the laws of this commonwealth to the contrary notwithstanding.

Will confirmed.

SECTION 2. That if the said Leander W. Blackly shall die subsequent to the passage of this act, leaving a last will and testament, properly executed, the same shall be as good in law to all intents and purposes as if such will had been made after the passage of this act, or after he had attained the age of twenty-one years.

WILLIAM F. PACKER,  
*Speaker of the House of Representatives.*

WM. WILLIAMSON,  
*Speaker of the Senate.*

APPROVED—March third, A. D. one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

No. 73.

## AN ACT

Authorizing the recording of certain powers of attorney executed by Andrew M. Eastwick and his wife.

Preamble.

WHEREAS, Andrew M. Eastwick, a citizen of the state of Pennsylvania, now residing temporarily in Russia, executed a certain power of attorney, bearing date the twenty-second day of April, old style, one thousand eight hundred and forty-seven, whereby he did appoint Charles E. Lex, of the city of Philadelphia, his true and lawful attorney, for him and in his name, among other things, to enter satisfaction of record of any mortgages that should be held by him, the said Andrew M. Eastwick; and with Lydia Ann, his wife, executed a certain other power of attorney, bearing the same date, whereby they did constitute

and appoint the said Charles E. Lex their true and lawful attorney, for them and each of them, and in their names to bargain, sell, assign, release and extinguish, all and every such ground rents in the state of Pennsylvania, as did or should belong to said Andrew M. Eastwick, and to make and execute deeds and assurances therefor:

*And whereas*, Each of the said powers of attorney were acknowledged by the said Andrew M. Eastwick, and the second by his said wife, before Abraham Van Sassan, the acting consul for the port of St. Petersburg, in Russia, for A. P. Gibson, the consul of said port, as is certified under the consular seal of the said consul:

*And whereas*, By reason of the absence of said A. P. Gibson from St. Petersburg, the said powers cannot be duly acknowledged, and by reason of the want of authority in the said Abraham Van Sassan, to take the said acknowledgments, the said powers of attorney cannot operate according to the intention of the parties; therefore,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same*, That the said powers of attorney, from the said Andrew M. Eastwick, and from Andrew M. Eastwick and Lydia Ann, his wife, to the said Charles E. Lex, dated the twenty-second day of April, one thousand eight hundred and forty-seven, old style, and authenticated and acknowledged as aforesaid, may be admitted to record in the office for recording deeds, for the city and county of Philadelphia; and when so recorded, shall be equally operative and efficacious for all the purposes of the said powers, as if the same, and each of them, had been duly acknowledged by the said Andrew M. Eastwick and Lydia Ann, his wife, before A. P. Gibson, the said consul of the United States for the port of St. Petersburg, and were in all respects in conformity with the laws of this state.

Power of attorneys admitted to record.

WILLIAM F. PACKER,  
*Speaker of the House of Representatives.*

WM. WILLIAMSON,  
*Speaker of the Senate.*

APPROVED—The third day of March, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

No. 74.

## A SUPPLEMENT

To an act to authorize the governor to incorporate the Little Saw Mill Run turnpike road company, in Allegheny county, passed the twenty-fifth of March, one thousand eight hundred and forty-four.

Time extended.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* the time for commencing said turnpike road is hereby extended to the first day of April, one thousand eight hundred and forty-nine, and that the time fixed for the completion of said turnpike road is hereby extended for the term of five years, from and after the first day of April, one thousand eight hundred and forty-nine.

WILLIAM F. PACKER,

*Speaker of the House of Representatives.*

WM. WILLIAMSON,

*Speaker of the Senate.*

APPROVED—The third day of March, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

No. 75.

## AN ACT

To incorporate the Protestant Episcopal society, for the promotion of evangelical knowledge.

Incorporators.

Style.

Privileges.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* J. H. Fowles, William Suddards, Richard Newton, Thomas H. Powers, Matthew T. Miller and Arthur G. Coffin, together with the other persons belonging to, or comprising the said Protestant Episcopal society for the promotion of evangelical knowledge, and their successors, (who shall become members of the society according to the by-laws,) be and they are hereby made and constituted a corporation and body politic, in law and in fact, by the name, style and title of “the Protestant Episcopal society for the promotion of evangelical knowledge;” and by that name shall have perpetual succession, have a common seal, make contracts, may sue and be sued, plead and be impleaded in any court of



record, or in any other place whatever; and may also take and hold any real or personal estate conveyed to them by gift, grant, bargain and sale, devise, bequest or other alienation whatsoever, and sell and convey the same: *Provided*, That the clear yearly value of the lands, tenements, or other real estate of the said corporation, shall not exceed the sum of three thousand dollars.

SECTION 2. The object of this society shall be, to promote evangelical knowledge by the publication of tracts, Sunday school and other books: the affairs of the society shall be under the direction of a board, consisting of a president, vice presidents, secretary, treasurer and managers, elected tri-annually: the board, twelve of whom shall form a quorum, shall meet annually at such time and place as they may appoint, and elect an executive committee, which shall consist of eight members, four of whom shall be laymen; upon which committee shall devolve all the powers of the board during its recess; until the first election shall be held in pursuance hereof, the officers of the society, as at present organized, shall be the officers of this corporation; and no failure to hold an election for, or to elect any of said officers, shall be deemed a forfeiture of any of the corporate privileges hereby conferred, but the same shall continue unimpaired thereby; and on such failure or failures, the officers of the preceding year shall continue in office until their successors are duly elected: no person shall vote in the election of the board, who has not been a member of the corporation at least three months before the time of such election; and the board shall have the power to provide for, and regulate the admission of persons, being citizens of the United States, as members of the corporation: five members of the executive committee shall constitute a quorum for the transaction of business, and shall have power to appoint such officers, clerks and assistants under them, as shall be necessary for executing the business of the corporation, and shall be capable of exercising such other power, for the well ordering and conducting of its affairs, as shall be determined by the by-laws: *Provided always*, That the said by-laws shall not be repugnant to the constitution and laws of the United States, or of this commonwealth.

SECTION 3. The legislature may at any time alter, amend or repeal the privileges hereby granted.

WILLIAM F. PACKER,  
*Speaker of the House of Representatives.*

WM. WILLIAMSON,  
*Speaker of the Senate.*

APPROVED—The third day of March, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

No. 76.

## A N A C T

Authorizing the guardian of the minor children of David Ferree, to execute a release.

**SECTION 1.** *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That it shall be lawful for the guardian of the minor children of David Ferree, late of the county of Lancaster, deceased, to release to John Nielson, Esquire, or his assigns, or the purchaser or purchasers from him of the property hereinafter mentioned, all the right, title and interest which exists at the time of the release in the said children, in or to two adjoining tracts or pieces of land, situate in the township of Conoy, in the county of Lancaster; the same containing about eighty acres or more; the same adjoining lands of Philip Oldwiler and others, and the Conewago creek, and now being in the occupancy of Jeremiah Sellers; the same having belonged to Ephraim Campbell; the said release or releases to be executed and delivered for such consideration as the said guardian and the said John Nielson or his agent or attorney agree upon; the said release or releases, however, not to be delivered till approved of by the judge of the district court of the county of Lancaster; and the said John Nielson is hereby authorized to pay to the said guardian and the widow of David Ferree, out of the proceeds of sale of the property hereinbefore mentioned, in consideration of their releases, of any right, title, interest or claim which they may have to the same, the sum of five hundred dollars, to be paid to the said guardian and widow, in such proportions as the said guardian and widow agree to, and as the judge of the district court of the county of Lancaster shall approve of.

WILLIAM F. PACKER,

*Speaker of the House of Representatives.*

WM. WILLIAMSON,

*Speaker of the Senate.*

APPROVED—The third day of March, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

No. 77.

## A N A C T

Authorizing the guardian of the minor children of Francis B. Durbin, deceased, to sell, or let on ground rent, certain parts of their real estate.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That John P. Durbin, guardian of Augusta A. Durbin, Margaret C. Durbin, Alexander C. Durbin, John P. Durbin, junior, and William H. Durbin, minor children of Francis B. Durbin, deceased, be and he is hereby authorized to sell and convey, in fee simple, all the right, title and interest, property, claim and demand of said minors, and each and every of them, in and to all the real estate situate on the west side of Fourth street, between Race and Vine streets, and extending west to Crown street, in the city of Philadelphia, in which said minors are interested, together with certain other tenants in common thereof, and for such purpose, to unite and join with such other tenants in common, in any sale or conveyance of the same, now or hereafter to be made, and so that the said purchaser or purchasers shall receive a good and valid title therefor; and so far as said minors are concerned, shall not be bound to see to the application of the purchase money: *Provided always,* That such sale shall only be made in conjunction with said other tenants in common, and shall be approved by the orphans' court of the county of Philadelphia: *And provided further,* That before such conveyance shall be made and executed, said guardian, or his successor in office, shall give approved security to said orphans' court, conditioned to invest the portion of said minors arising from said sale, in good real security, in the name of said guardian, in trust for said minors, and to be held as a part or portion of their said estate; or in default thereof, the part or portion of said minors may be paid into court, to be invested in good real securities, under their direction, for the use and benefit of said minors: *And provided also,* That any such investment so to be made on good real security by said guardian, being approved by the orphans' court of said county, the said guardian, and his said security, shall be exempted from all liability or loss for the same.

WILLIAM F. PACKER,  
*Speaker of the House of Representatives.*

WM. WILLIAMSON,  
*Speaker of the Senate.*

APPROVED—The third day of March, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

No. 78.

A SUPPLEMENT

To an act passed the sixteenth day of June, one thousand eight hundred and thirty-six, entitled “An Act to authorize suit to be brought on the official bond of William B. Mitchell, late superintendent.”

Alley in Pittsburg declared a public highway.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* a certain alley in the city of Pittsburg, twenty feet wide, and extending from Stevenson’s alley to the Pennsylvania canal, and on the south side of the canal basin between Penn and Liberty streets, in the Fifth ward, be and the same is hereby exempted from the provisions of the said ninth section of the act to which this is a supplement.

WILLIAM F. PACKER,  
*Speaker of the House of Representatives.*  
WM. WILLIAMSON,  
*Speaker of the Senate.*

APPROVED—The third day of March, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

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79.

A SUPPLEMENT

To an act authorizing the governor to incorporate the Freeport and Kittanning turnpike road company.

Time extended.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* the time mentioned in an act, to which this is a supplement, for the opening the books to receive subscriptions, shall be changed to the first day of September, A. D. eighteen hundred and forty-eight, instead of the first day of June, eighteen hundred and forty-seven, as in said act named.

WILLIAM F. PACKER,  
*Speaker of the House of Representatives.*  
WM. WILLIAMSON,  
*Speaker of the Senate.*

APPROVED—The third day of March, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

No. 80.

## AN ACT

To incorporate the town of Saint Mary's, in the county of Elk, into a borough.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the village of Saint Mary's, in the county of Elk, shall be and the same is hereby erected into a borough, which shall be called the borough of Saint Mary's, and shall be bounded and limited as follows, to wit: Beginning at a point thirty rods south of the dwelling house of Andrew Grass; thence east nine perches to the eastern line of town lots on Saint Mary's street; thence north three hundred perches to Saint Michael's street; thence north forty-five degrees west, following the northern line of town lots on Saint Michael's street, three hundred perches to Saint Joseph's street; thence west, following the northern line of town lots on Saint Joseph's street, three hundred perches to Cross street; thence along Cross street to Saint Theresia street; thence along the southern line of town lots to the place of beginning. Boundaries.

SECTION 2. That the inhabitants of the said borough, entitled to vote for members of the general assembly, having resided within the bounds of said borough at least ten days immediately preceding the election, shall have power, on the fourth Saturday in April next, to meet at the house of Ignatius Garner, in said town, and on the same day annually thereafter, at the place aforesaid; and shall then and there, between the hours of one and seven in the afternoon, elect by ballot, one respectable citizen residing therein, who shall be styled the chief burgess, and five citizens to be a town council; and shall also elect as aforesaid, one citizen as high constable, all of whom shall be residents of said borough and entitled to vote for borough officers, agreeably to the provisions of this section. But previous to the opening of said election, such of the inhabitants qualified to vote as aforesaid, as are present at the said place of election, shall choose, viva voce or by ballot, one citizen to act as judge, and two citizens to act as inspectors; the judge and one inspector shall also act as clerks of said election; the judge and one inspector to be voted for by each voter, and the election to be conducted throughout according to the general election laws of this commonwealth; and the officers of the election shall be subject to the same penalties for malpractices as by the said election laws are imposed. The said judge and inspectors, before they enter upon the duties of their respective offices, shall take the same oaths or affirmations, before any justice of the peace of the county, as are prescribed by the existing election laws of this commonwealth, and after the said election shall be closed, shall declare the persons having the greatest number of votes to be duly elected; and in case any two or more candidates should have an equal number of votes, the preference shall be determined by lot, to be drawn by the two inspectors in presence of the judge: whereupon, duplicate certificates of said election shall be signed by the said judge and inspectors, one of which shall be transmitted to the chief burgess elect, and the other filed among the records of the corporation; and it shall be the duty of the high constable for the preceding year (and in the event of Annual elections.  
Officers.  
Elections how to be conducted.

his absence or inability to act, such person as the officers of the election may direct) to give notice in writing to each of the persons so elected as aforesaid; and in case of the death, resignation, removal or refusal to accept any of the said offices, or if it should at any time happen that no election should be holden on the day and in the manner aforesaid, the corporation shall not on that account be dissolved, but the chief burgess, or in the event of his absence, death, resignation, removal or inability to act, the president of the town council shall issue his precept, directed to the high constable, commanding him to hold an election in manner aforesaid, to supply such vacancy, giving at least eight days' notice, by six advertisements set up in the most public places in said borough.

Style.

Privileges.

SECTION 3. That from and after the fourth Saturday in April next, the chief burgess and town council, duly elected as aforesaid, and their successors, shall be one body politic and corporate, by the name and style of "The chief burgess and town council of the borough of Saint Mary's," and shall have perpetual succession; and the said chief burgess and town council, and their successors, shall be capable in law to have, get, receive, hold and possess goods and chattels, lands and tenements, in fee simple or otherwise; and also to grant, sell, let and assign the same goods and chattels, lands and tenements, not exceeding at any one time in value three thousand dollars, and by the name and style aforesaid they shall be capable in law to sue and be sued, plead and be impleaded, in any of the courts of law of this commonwealth, in all manner of actions whatsoever, and to have and use a common seal, and the same from time to time, at their will, to change and alter until it be otherwise directed by law.

Penalty in case of refusal or neglect to serve.

SECTION 4. That if any person duly elected chief burgess, member of the town council, or high constable, as aforesaid, and having received due notice thereof, as directed by this act, shall refuse or neglect to take upon himself the execution of the said office, to which he shall have been elected, or having taken upon himself the duties of the said office, shall neglect to discharge the same according to law, every person so refusing or neglecting, shall, for every such offence, forfeit and pay the sum of ten dollars; which fine, and all other fines, penalties and forfeitures, incurred and made payable in pursuance of this act, or any by-law or ordinance of the town council, shall be for the use of the said corporation, and shall be recovered by suit before the chief burgess, (to whom is hereby given the same power and authority in suits brought before him.) to recover the same, as justices of the peace within the commonwealth by law have, where the demand does not exceed one hundred dollars, in the form and manner, and with the same costs of suits that debts of like amount are by law recoverable; and the same, when recovered, shall be paid to the treasurer of the borough; and it shall be the duty of the officers of the borough, on receiving any money belonging to the corporation, to pay the same to the treasurer forthwith: *Provided*, That no person elected as aforesaid, shall be liable to a fine for refusing or neglecting to serve more than once in five years.

Proviso.

Officers to be qualified.

SECTION 5. That the chief burgess, members of the town council, and high constable, and all the other officers of the borough, appointed by the town council in pursuance of the further provisions of this act, before entering upon the duties of their respective offices, shall take and subscribe an oath or affirmation, before the chief burgess, or any justice of the peace of said county, to "support the constitutions of the United States and of the state of Pennsylvania, and to perform the duties of their respective offices with fidelity;" and the certificates of

such oaths and affirmations shall be filed among the records of said corporation.

**SECTION 6.** That the town council shall meet on the first Saturday next after their election, in each year, at the house of Ignatius Garner, in said town, or such other place as they may determine upon, and choose one of their number president, who shall preside at their meetings; and in the event of the absence, death, resignation, removal or inability to act, of the chief burgess, shall possess all and singular the rights, privileges, powers and authorities of the said chief burgess, given him in this act or elsewhere. And further to choose one of their number secretary of the town council, (whose salary shall be fixed by the said town council,) whose duty it shall be to take charge of all the papers, records and common seal of the said corporation, and be answerable therefor; and also, for the faithful discharge of the duties enjoined upon him by this act, or by the by-laws and ordinances of the town council, and shall keep a fair and accurate record of all the proceedings, minutes, resolutions, by-laws and ordinances of the said town council, open at all reasonable times, to the inspection of every qualified voter of said borough; and the attestation of the said secretary, with the seal of the corporation, shall be good evidence of the act or thing so certified. And it shall be the duty of the said town council, (three of whom shall be a quorum,) to hold quarterly meetings, on the second Saturdays in June, September, December and March, in each year, and such other meetings as occasion may require, at which meetings they may enact, alter, revise, repeal and amend, all such by-laws, rules, regulations and ordinances, as shall be determined by a majority of them, necessary to promote the peace, good order, benefit and advantage of the said borough; and particularly providing for the regulation, improving, repairing and keeping in order the streets, lanes, alleys and highways. They shall have power to assess and apportion such taxes as shall be determined by a majority of them, necessary for carrying the said rules, by-laws and ordinances, from time to time, into complete effect; and also, to appoint a treasurer, street supervisor and collector, annually, and such other officers as may be deemed necessary, from time to time; and the same officers, from time to time, to remove for misdemeanor in office: *Provided*, That no by-laws, rules or ordinances of said corporation, shall be repugnant to the constitution and laws of this commonwealth; and that no person shall be punished for the breach of any by-laws or ordinances of the said corporation, until ten days shall have expired after the promulgation thereof, by at least three advertisements set up in the most public places in the said borough: *And provided also*, That in assessing such tax, due regard shall be had to the valuation of taxable property, taken for the purpose of raising county rates and levies, so that the said tax shall not in any one year exceed one-half cent on the dollar of such valuation, unless some object of general utility shall be thought necessary, in which case three-fourths of the qualified voters of said borough shall approve of and certify the same in writing, under their hands, to the town council, who shall proceed to assess the same accordingly: *Provided also*, That the town council shall lay such taxes upon dogs, and to make such regulations respecting them, within said borough, as they may see proper.

**SECTION 7.** That the chief burgess, elected and qualified agreeably to this act, or in contingency aforesaid, the president of the town council, is hereby authorized and empowered to issue his precept as often as the occasion may require, directed to the collector, commanding him forthwith to collect all taxes so assessed, and the same to pay over to

Meeting of council.

Powers and duties.

Proviso.

Proviso.

Proviso.

Collection of taxes.

the treasurer; which said precept shall be signed by the secretary of the town council, and to which the seal of the said corporation shall be affixed; and the said chief burgess or president of the town council is hereby authorized to carry into effect all by-laws and ordinances enacted by the town council, and whatsoever else shall be enjoined upon him, for the well ordering and governing said borough; and the town council alone shall have power to mitigate or remit such fines and forfeitures.

**Treasurer to give security.** SECTION 8. That the treasurer shall give sufficient security, to be approved by the town council, for the faithful performance of the duties of his office, and for the delivery of all moneys, books and accounts appertaining thereto, into the hands of his successor, upon demand made for that purpose. And that the street supervisor, treasurer, high constable and all other officers of said borough, shall, in the month of June, yearly, render their accounts to said town council for settlement.

**Accounts.**

**Court of appeal.** SECTION 9. That the chief burgess, president and secretaries of the town council, or any two of them, shall constitute a court of appeal, and prior to the collection of any borough tax, the collector shall inform each inhabitant of the amount of his tax, and of the time and place of appeal: *Provided nevertheless*, That the said court of appeal shall have no other power than to determine the justness of the apportionment of said tax, and to remedy any grievance that may occur in imposing the same; and that it shall be the duty of the high constable to give notice of the annual election of the said borough, to be held in pursuance of this act, by setting up five advertisements in the most public places in said borough, at least ten days previous thereto; he shall attend and see that the election is opened at the time and in the manner directed by this act: *Provided*, That the constable of the township of Bensingers, for the time being, shall publish and superintend the election to be held on the fourth Saturday of April next, as hereinbefore directed.

**Proviso.**

**Proviso.**

**Compensation of officers.** SECTION 10. That the town council shall, from time to time, fix the compensation, and at their discretion, declare the duties of all the officers elected, appointed, or to be appointed under the several provisions of this act, which compensation shall be paid out of the borough treasury, by orders drawn by them, signed by the president, and countersigned by the secretary, and the same shall not be increased or diminished during the time for which said officers were appointed, respectively: *Provided*, That if any person appointed by the town council aforesaid, shall neglect or refuse to take upon himself the duties of the office to which he has been appointed, he shall for the same, forfeit and pay for the use of the corporation, the sum of ten dollars, unless he can render to the said council, satisfactory reason why he should be exonerated from said service: *Provided also*, That no person appointed as aforesaid, shall be liable to a fine for refusing or neglecting more than once in five years.

**Proviso.**

**Proviso.**

**Right of appeal to court.** SECTION 11. That if any person or persons shall think him or themselves aggrieved by any thing done by the chief burgess, in his judicial capacity, or any thing done in pursuance of this act, except in what relates to the appointments made by the town council, he, she, or they may appeal to the next court of common pleas, to be held for the county of Elk, upon giving security according to law, in appeals from judgments, appeals from justices of the peace, to prosecute his, her, or their appeal with effect: *Provided also*, That such appeals shall be determined in the same manner, and the proceedings therein shall be the same as in appeals from justices of the peace, and that such appeal

**Proviso.**



shall be allowed in cases where the judgment is given for a less sum than five dollars thirty-four cents, as well as where it exceeds that sum.

SECTION 12. That no officer of said borough shall have any voice in the legislature for said borough, but the same is hereby vested in the members of the town council exclusively, who, as members, shall receive no compensation for their services. Votes.

SECTION 13. That all property, offices, professions and persons made taxable by the laws of this commonwealth, for county rates and levies, shall be taxable after the same manner, by the said borough, and all tax, rates and levies assessed, rated and levied therein, shall be recovered in the same manner as the county rates and levies of the county of Elk are by law recoverable. Taxable property.

SECTION 14. That the said council shall have full power to pave, or otherwise improve all or any, or every of the footways and gutters within the borough, at the expense thereof: *Provided*, That every owner of property or ground, shall have the right to pave the footways on the front of their own lots, at their own expense, according to the grade fixed by the commissioners, and approved by the town council: *Provided*, They have it completed within sixty days after due notice, in writing, is given for that purpose by the council or other agent: *And* *provided*, That nothing herein contained, shall be construed to give power to the council, to compel any person to pave at his own expense. Improve streets.  
Proviso.  
Proviso.

SECTION 15. That the high constable shall give bond and security to the said corporation, in such sum as the said council shall approve, conditioned for the performance of all the duties enjoined upon him by this act, as by the ordinances and by-laws of the council; and that from and after the passage of this act, the citizens of this borough of Saint Mary's, shall be exempted from paying road tax to the township of Bensinger. High constable.

SECTION 16. That the officers of the said borough election are hereby entitled to receive the sum of fifty cents each, which shall be paid them by the treasurer, upon an order signed by the president, and countersigned by the secretary of the town council; and any qualified elector in said borough may be an officer at said election, any existing law of this commonwealth to the contrary notwithstanding: *And it is further enacted by the authority aforesaid*, That the writs for the recovery of fines and for forfeitures, to be issued by the chief burgess or president of council, under the aforesaid contingency, shall be in the form of writs of summons, capias, execution, and such other necessary writs as are issued by justices of the peace, in pursuance of the laws of this commonwealth. Compensation to  
election officers.  
  
Process.

WILLIAM F. PACKER,  
*Speaker of the House of Representatives.*

WM. WILLIAMSON,  
*Speaker of the Senate.*

APPROVED—The third day of March, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

## No. 81.

## AN ACT

To incorporate the Robert Morris fire hose company, in the city of Philadelphia.

Incorporators.	<i>SECTION 1. Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That</i>
Style.	all and every the persons that shall, at the time of passing this act, be members of the association called the Robert Morris fire hose company, in the city of Philadelphia, shall be and they are hereby erected and
Privileges.	declared to be one body politic and corporate, by the name, style and title of the Robert Morris fire hose company of the city of Philadelphia, and by the same shall have perpetual succession, and shall be able to sue and be sued, implead and be impleaded in all courts of record or elsewhere; and also the said corporation and their successors, at all times hereafter, be able to purchase, receive, have, hold and enjoy, to them and their successors, all and all manner of lands, tenements, rents, annuities, liberties, franchises, and other hereditaments, goods and chattels, of whatsoever nature, kind or quality soever, real, personal or mixed, or choses in action, and the same from time to time sell, alien, grant, demise and dispose of: <i>Provided, That the clear yearly value and income of the said corporation shall not exceed two thousand five hundred dollars; and also to make and have a common seal, and the same to break and renew at pleasure; and also to ordain, establish and put in execution such by-laws, ordinances and regulations, as shall appear necessary and convenient for the government of the said corporation, not being contrary to this charter or the constitution and laws of the United States, or of this commonwealth, and generally to do all and singular the matters and things which to them it shall lawfully appertain to do for the well being of the said corporation, and the due management and ordering the affairs thereof: And provided further, That said company shall at all times be subject to such rules and regulations, for the government of the fire department of the city of Philadelphia, as are now or may hereafter be enacted by the corporate authorities of said city.</i>
Proviso.	
Proviso.	
Special object.	
Reservation.	<i>SECTION 2. Nothing in this act contained shall be deemed to authorize the said company to engage, either directly or indirectly, in any banking, moneyed, commercial or manufacturing concern, or to act in any other way than as a fire company.</i>
	<i>SECTION 3. The legislature reserves the power to alter, revoke or annul the privileges and charter hereby granted, whenever in their opinion the same may be injurious to the citizens of the commonwealth, in such manner, however, that no injustice shall be done to the corporators.</i>

WILLIAM F. PACKER,

*Speaker of the House of Representatives.*

WM. WILLIAMSON,

*Speaker of the Senate.*

APPROVED—The third day of March, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

No. 82.

## AN ACT

Authorizing James Morrell, of Philadelphia, to sell the interest of John Mifflin Butler, a minor, in certain ground rents.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That James Morrell, of Philadelphia, be and he is hereby authorized to sell Power to sell. and dispose of, at public or private sale, all or any part or portion of the undivided one-seventh part of John Mifflin Butler, a minor, of and in the following ground rents, to wit:—One of forty-eight dollars per annum, issuing out of two contiguous lots on the east side of Saint John street, between Coates and Brown streets, in the Northern Liberties. containing together, in front, forty feet, and in depth one hundred and four feet six inches; one other of two pounds ten shillings, issuing out of a lot on the east side of Delaware Third street, between Brown street and Poplar lane, in the Northern Liberties, containing, in front, twenty feet, and in depth two hundred and thirty feet to a forty feet wide street, now called Saint John street; and the other of four pounds sixteen shillings and five pence. (computed at twelve dollars and eighty-six cents.) issuing out of a lot in the district of Spring Garden, containing about three acres and one hundred and thirty-seven perches: and that he shall have full power and authority to execute a deed or deeds, in fee simple, to the purchaser or purchasers for the same: Proviso. *Provided however,* That upon any and every sale or sales made by virtue of this act, the said James Morrell shall give security, to the satisfaction of the orphans' court for the city and county of Philadelphia, for the faithful application of the proceeds of said sale or sales, agreeably to the directions of the said orphans' court, which shall be a full and complete discharge of the liability of the purchasers, to see to the application of the said purchase money; and the said court is hereby authorized and empowered, from time to time, to direct the payment of all, or any part of the said purchase money, to the mother of the said John Mifflin Butler, to be applied to the purposes of his maintenance and education.

WILLIAM F. PACKER,  
*Speaker of the House of Representatives.*

WM. WILLIAMSON,  
*Speaker of the Senate.*

APPROVED—The third day of March, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

No. 83.

## A N A C T

To confer on George Smith, junior, of Paradise township, York county, the rights and privileges of a child born in lawful wedlock.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* George Smith, junior, son of George Smith, of Paradise township, York county, shall have and enjoy all the rights and privileges of a child born in lawful wedlock, and shall be able and capable in law to inherit and transmit any estate whatsoever, as fully and effectually as if he had been born in lawful wedlock.

WILLIAM F. PACKER,

*Speaker of the House of Representatives.*

WM. WILLIAMSON,

*Speaker of the Senate.*

APPROVED—The third day of March, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

No. 84.

## S U P P L E M E N T

To an act, entitled “An Act to lay out a state road from the borough of New Castle to the road leading from Edinburg to Mahoningtown, at a point where said road crosses the line between Beaver and Mercer counties, and for other purposes.”

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* the time fixed in the act to which this is a supplement, approved the third day of March, A. D. eighteen hundred and forty-seven, for depositing the drafts of the location of said road in the office of the secretary of the commonwealth and clerk of the court of quarter sessions of the county of Mercer, be and the same is hereby extended to the first day of June, eighteen hundred and forty-eight.

Time for deposit-  
ing drafts, ex-  
tended.

WILLIAM F. PACKER,

*Speaker of the House of Representatives.*

WM. WILLIAMSON,

*Speaker of the Senate.*

APPROVED—The third day of March, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

No. 85.

## A SUPPLEMENT

To an act to authorize certain proceedings in the court of common pleas of Philadelphia county, and the sale of certain real estate, approved the twenty-ninth day of March, one thousand eight hundred and forty-four.

*Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, 'That the orphans' court for the county of Philadelphia shall have jurisdiction to adjust and settle the accounts of George Sharswood, administrator de bonis non cum testamento annexo of Robert Thomas, deceased, and trustee named in the act to which this is a supplement, and to decree distribution of the balances which may be found in his hands, among those lawfully entitled thereto, in the same manner and with the same effect as in the case of testamentary trustees subject to the jurisdiction of the said court.*

Orphans' court of Philadelphia co. to settle account of George Sharswood, administrator of Robert Thomas, dec'd.

WILLIAM F. PACKER,  
*Speaker of the House of Representatives.*

WM. WILLIAMSON,  
*Speaker of the Senate.*

APPROVED—The third day of March, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

No. 86.

## AN ACT

To confirm the title to certain real estate, formerly of George Parker, of the county of Philadelphia, deceased.

WHEREAS, George Parker, of the township of Moyamensing, in the county of Philadelphia, whip-maker, now deceased, was in his life time seized in fee of a certain frame messuage and lot of ground, situate on the south side of Catharine street, between Delaware Fourth and Fifth streets, in the district of Southwark, and county of Philadelphia, containing in breadth, east and west on the said Catharine street, fourteen feet four inches, more or less; and in depth, north and south, one hundred feet, (which premises David Combs and George Weaver, administrators, et cetera, by indenture, dated the twentieth day of November, Anno Domini, one thousand eight hundred and twelve,

Preamble.

recorded in deed book J C, number twenty-two, page six hundred and fifty-one, et cetera, granted and conveyed unto the said George Parker in fee) and being so seized, the said George Parker made his last will in writing, dated the fifth day of August, Anno Domini, one thousand eight hundred and twenty-three, since duly proved and remaining in the register's office at Philadelphia, whereby he directed that the said messuage and lot should be valued by three or more men, that should be chosen by his children who should be of age, and the guardian of the younger jointly, and that either of his children might have it by paying the valuation it might be set at, which should be equally divided between them and the rest of his children, in the same way that was provided in the said will in respect to certain other real estates of the testator; but if neither of his children should take the said property in Catharine street, then he declared that it might be sold to the best advantage, either at public or private sale, and the money to be divided as he had previously directed; and of his said will he appointed his widow, Rachel Parker, executrix, and his sons, Alexander and Joseph G. Parker, executors:

*And whereas,* The said Joseph G. Parker afterwards departed this life, and the said Alexander Parker having renounced, letters testamentary were granted to the said Rachel Parker, and she having afterwards died, letters of administration de bonis non cum testamento annexo, were duly granted to Joseph Sellers and Thomas A. Mason:

*And whereas,* The said administrators, on the third day of September, Anno Domini, one thousand eight hundred and forty-seven, presented their petition to the orphans' court for the city and county of Philadelphia, setting forth the foregoing facts; and also, that the said messuage and lot of ground had been valued and appraised by Jesse Williamson, John Pascall and Thomas Barnett, at the sum of eight hundred dollars, at which price each of the devisees, in the said will, had declined or refused to take the same; and also setting forth, that at the request of the said devisees the petitioners had agreed to sell and convey the premises to Henry B. Williamson for the sum of seven hundred dollars, that being the best price that could be obtained for the same, and praying the court to approve of the sale and authorize the petitioners to execute a conveyance thereof to the purchaser, et cetera; whereupon the said court approved of and confirmed the said sale, and ordered security to be given by the said administrators in the sum of one thousand dollars, which security has been duly entered:

*And whereas,* Doubts are entertained in respect to the sufficiency of the title to the premises, that may be made by the said administrators, in consequence of one of the devisees in the will having died and left minor children, who acted in respect to the appraisement and in the subsequent proceedings by their guardian or next of kin; therefore,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the said Joseph Sellers and Thomas A. Mason, administrators as aforesaid, shall be and they are hereby authorized and empowered, upon the receipt of the said price or sum of seven hundred dollars, or of adequate security for the same, to execute and deliver to the said Henry B. Williamson, a good and sufficient deed, in fee simple, for the said messuage and lot of ground in Catharine street, with the same effect to all intents and purposes, as if all the parties to the said proceedings had been of full age at the time of the said appointment and other proceedings; and the said Henry B. Williamson, his heirs and assigns, shall not be required to look to the application or distribution of the said pur-

Execute deeds.

Proceedings ratified.

chase money by the said administrators ; and the proceedings in respect to the said appraisement, and to the refusal of the parties to take at the valuation and the decree of the orphans' court upon the aforesaid petition, are hereby ratified and confirmed, and declared to be valid and binding upon all persons interested, whether minor or adults.

WILLIAM F. PACKER,  
*Speaker of the House of Representatives.*

WM. WILLIAMSON,  
*Speaker of the Senate.*

APPROVED—The third day of March, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

No. 87.

# AN ACT

To prevent the hunting of deer, with dogs, in the counties of Elk and Monroe.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* from and after the passage of this act, if any person or persons in the counties of Elk and Monroe, shall hunt, chase, or follow with any dog or dogs, with the design to kill or destroy any buck, deer or fawn within said counties, at any season of the year, or shall entice any dog or dogs to chase as aforesaid, with the like design, he or they on being convicted thereof, shall forfeit and pay for every such offence, the sum of twenty-five dollars, to be sued for, and recoverable with costs of suit before any justice of the peace, in the name of the commonwealth, at the instance of any person who will sue therefor, as debts of like amount are now recoverable by law ; one-half of said fine or penalty shall be paid to the person or persons suing for the same, and the other half to the treasurer of said counties, for the use of the said counties.

WILLIAM F. PACKER,  
*Speaker of the House of Representatives.*

WM. WILLIAMSON,  
*Speaker of the Senate.*

APPROVED—The third day of March, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

No. 88.

A N A C T

Authorizing the court of quarter sessions of Allegheny county, to vacate a portion of Franklin street, in the city of Pittsburg, and for the opening of Corinthian avenue, in the county of Philadelphia.

Franklin street,  
in Pittsburg, may  
be vacated.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the court of quarter sessions of the peace of Allegheny county, be and the same hereby is authorized and empowered, upon application by petition, to appoint viewers to view that part of Franklin street lying between Roberts street and Green street, in the city of Pittsburg, as the same is now located on the plan of the city district, and adopted by said city; and on the report of said viewers, to vacate said portion of said street, or any part thereof; and the said court shall proceed therein in the same manner in all respects as is directed by the existing laws relating to roads and highways.

Corinthian ave-  
nue, in Philadel-  
phia county, de-  
clared a public  
highway.

SECTION 2. That a certain street, named Corinthian avenue, in the district of Spring Garden and Penn, west of Schuylkill Third street, and leading from the north side of Coates street to Girard avenue, and laid out in the plan of said districts, be and the same is hereby declared a public highway, and shall be forthwith opened for public use: *Provided however,* That the opening of said street or avenue shall be done without any cost to the county of Philadelphia.

WILLIAM F. PACKER,  
*Speaker of the House of Representatives.*

WM. WILLIAMSON,  
*Speaker of the Senate.*

APPROVED—The sixth day of March, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

No. 89.

A S U P P L E M E N T

To an act authorizing the erection of the county of Schuylkill.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That



so much of the county line between Schuylkill and Berks, shall hereafter be as follows, to wit: Beginning at a pine tree corner in the present County lines de- county line, on the top of the Blue mountain, and corner of East Bruns- fined. wick township, in the county of Schuylkill, and Albany township, in the county of Berks; thence eastwardly in a straight line to the present corner, dividing the counties of Berks, Schuylkill and Lehigh.

SECTION 2. That so much of the act to which this is a supplement, Repeal. as is inconsistent with this act, be and the same is hereby repealed.

WILLIAM F. PACKER,

*Speaker of the House of Representatives.*

WM. WILLIAMSON,

*Speaker of the Senate.*

APPROVED—The sixth day of March, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

No. 90.

## AN ACT

Regulating election districts.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the qualified voters of Lewis township, Lycoming county, shall hereafter hold their general and township elections at the house now occupied by Charles Drum, in said township. Lycoming.

SECTION 2. That the township of Juniata, in the county of Blair, is hereby erected into a separate election district, and the qualified voters thereof, shall hold their general and township elections at school house, No. 4, known as Maloni's school house, situate on the farm of James Conrad, in said township; and that James Maloni is hereby appointed judge, and Valentine Lingenfelter and John G. M'Kee, inspectors, to hold the township elections in said township, for the year eighteen hundred and forty-eight. Blair.

SECTION 3. That a new election district shall be formed out of parts of Toby, Beaver and Perry townships, in Clarion county, to be called Callensburg district, beginning at a point on the Clarion river, where the Toby and Perry township lines commence; thence along said line to Crage's mill dam, on Licking creek; thence on a straight line to Lewis Wilson's mill, on Cherry run; thence on a straight line to where the Toby and Perry township line strikes Abraham Byers' farm, on the north; thence on a straight line to the mouth of Pine Hollow, on the Clarion river; thence down said river to the alum rock; thence one mile north to the Beaver township line; thence on a straight line to Shaner's smith shop; thence on a straight line to the place of beginning. Clarion.

**Clarion.** SECTION 4. And hereafter the general and spring elections shall be held at the Callensburg school house, in the said Callensburg district, and John Elliott, senior, is hereby appointed judge, and Abraham Wilson, senior. and John Boggs, inspectors, to hold the spring election next; and in conducting said election, they shall be governed by the election laws of this commonwealth.

**Wyoming.** SECTION 5. That the qualified electors of the township of Lemon, in the county of Wyoming, shall hold their general and township elections at the school house, near the house now occupied by William Stark, in said township.

**Schuylkill.** SECTION 6. That the township of Tremont, in the county of Schuylkill, is hereby erected into a separate election district, and the qualified voters thereof, shall hereafter hold their general and township elections at the house of John Hipple, junior, in the town of Tremont, in said township.

**York.** SECTION 7. That the electors of Monaghan township, in the county of York, shall hereafter hold their general and township elections at the house now owned and occupied by George Burns, in said township.

**Schuylkill.** SECTION 8. That all that part of East Norwegian township, in the county of Schuylkill, lying north of a certain line, commencing at a stump, about fifty perches below Burd Patterson's furnace, at Saint Clair, to Pottsville; thence running north sixty-four degrees, east four hundred and ninety-five perches, to where it strikes the Blythe township line with the township of New Castle, making it a part of the same, and uniting it with New Castle township common school and election district, be and the same is hereby united for the purpose aforesaid.

WILLIAM F. PACKER,  
*Speaker of the House of Representatives.*

WM. WILLIAMSON,  
*Speaker of the Senate.*

APPROVED—The sixth day of March, one thousand eight hundred and forty-eight

FRS. R. SHUNK.

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No. 91.

## AN ACT

To authorize the auditor general to examine and settle the account of Washington Barr, for services rendered during the winter of the year eighteen hundred and thirty-eight, as assistant commissary.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That the auditor general be and is hereby authorized and directed to examine the account of Washington Barr, of the borough of Harrisburg, in the*

county of Dauphin, amounting to the sum of sixty-four dollars and fifty cents, as allowed by the disbursing officers, and filed in the auditor general's office, for services rendered as assistant commissary during the disturbances in the borough of Harrisburg, in the winter of the year eighteen hundred and thirty-eight, in providing for the troops, both before and after their arrival in Harrisburg, and assisting the disbursing officers in the settlement of their accounts, and if found to be correct and not paid, to draw his warrant on the state treasurer for the payment of the same: *Provided*, That the sureties of Thomas B. Town have *Proviso*. paid into the treasury, or secured to the commonwealth, the amount for which said Thomas B. Town was a defaulter.

WILLIAM F. PACKER,  
*Speaker of the House of Representatives.*

WM. WILLIAMSON,  
*Speaker of the Senate.*

APPROVED—The sixth day of March, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

## No. 92.

### AN ACT

Authorizing the burgess and town council of Troy borough, to lay out and open streets, roads, lanes and alleys in said borough, and relating to a state road in Allegheny and Washington counties.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the burgess and town council of the borough of Troy, in the county of Bradford, shall have full power and authority, and they are hereby enjoined and required, to lay out and open such additional streets, roads, lanes and alleys within said borough, as they shall from time to time deem necessary, for the convenience and accommodation of the inhabitants of said borough; it shall be the duty of said burgess and town council, within ten days after having laid out any street, road, lane or alley, and before the same shall be opened, to make, or cause to be made, a correct draft or plan thereof, and return such draft or plan to the office of the town clerk of said borough; and it shall be the duty of said clerk to receive, file and safely keep said draft or plan in his office, for public inspection and examination.

SECTION 2. Any person or persons dissatisfied with the location of any street, road, lane or alley, by the burgess and town council as aforesaid, may, within twenty days after the filing of the draft or plan, and not afterwards, give notice in writing to the town clerk of said borough, of such dissatisfaction; and said clerk shall appoint a day, not more than eight days distant from the time of receiving such notice, for the meeting of said burgess and town council, and person or persons giving such notice, at the office of said town clerk, or at some other convenient place within said borough, of which meeting the said burgess

and town council, or either of them, and the person or persons giving the notice, shall be informed by the town clerk at least four days before the time of meeting, at which time and place said town clerk shall attend. It shall be the duty of said burgess and town council, or one of them, to attend said meeting at the time appointed for said meeting, or as soon thereafter as shall be expedient; the parties shall proceed to select three commissioners, to whom the matters in dispute shall be submitted. The manner of selecting said commissioners shall be as follows: the burgess, or either member of the town council, may name one disinterested person, not a citizen of said borough; the person or persons dissatisfied may name one other disinterested person, not a citizen of said borough; the burgess, or either member of the town council, and the person or persons dissatisfied as aforesaid, may mutually agree upon the third person; in case the parties shall be unable to agree upon such third person, the town clerk shall appoint a disinterested person, not a citizen of said borough, to act as such third person; the persons thus chosen or appointed commissioners, shall proceed with as little delay as possible, to review the street, road, lane or alley, the location of which is complained of, and may confirm, alter or vacate the same; said commissioners shall, within six days after this review shall have been completed, make a full report of their proceedings, in writing, to town clerk of said borough, and it shall be the duty of said clerk to file and safely keep said report in his office, for public inspection and examination; said report shall be final and conclusive in regard to said street, road, lane or alley, for the period of one year thereafter; the compensation to be allowed to commissioners shall be one dollar each, per day.

Compensation.

SECTION 3. If the location of said street, road, lane or alley, or the part thereof complained of, is vacated by said commissioners, their day wages shall be paid by said borough; and if the location of said street, road, lane or alley is confirmed by said commissioners, their day wages shall be paid by the person or persons who gave notice of dissatisfaction, who shall be individually or jointly liable to each commissioner, individually, for such day wages; in either case such day wages to be collected as debts of like amount are by law collectable.

Damages to be ascertained and paid.

SECTION 4. The damages sustained by the owner or occupier of any land, by reason of the opening of any street, road, lane or alley in said borough, shall be paid by said borough; the manner of ascertaining said damages shall be as follows: The owner or occupier of lands who may consider him or herself injured by the opening of any street, road, lane or alley, shall file, with the town clerk of said borough, a statement of the injury sustained, and of his or her intention to claim damages for the same; which statement, and all subsequent proceedings therein by the officers of said borough, shall be entered by said clerk upon the borough records. It shall be the duty of said clerk, within six days after receiving such statement, to notify the burgess, or either member of the town council of the same; said burgess and town council shall, within ten days after receiving such notice, examine into said claim, and if in their opinion, or in the opinion of a majority of them, such person hath sustained damage by reason of the opening of said street, road, lane or alley, they shall fix the amount, and give the applicant notice thereof, in writing; if the person so applying for redress shall be content to receive said amount as a full compensation for the damages complained of, he shall give notice, in writing, of such willingness to the burgess and town council, whereupon said burgess shall draw his order on the treasurer of the borough, in favor of said applicant, for said amount; but in case said burgess and town council,

or a majority of them, shall be of opinion that said applicant is not entitled to damages, or if said applicant shall not be willing to receive the amount fixed by said burgess and town council, in full of his claim, said applicant may apply, by petition, to the court of quarter sessions of the county of Bradford, setting forth the cause of complaint; thereupon said court shall appoint three disinterested persons to view the premises and assess the damages, if any, which such petitioner may have sustained by reason of the opening of said street, road, lane or alley, through his lands.

SECTION 5. The viewers so appointed, after being duly sworn by any person having power to administer oaths, or by one of their own number, who is hereby authorized to administer the same, well and truly to view said premises, and justly to assess the damages, shall proceed to perform said duty, and make report thereof, signed by them, or a majority of them, to the next court of quarter sessions of said county, setting the length, breadth and manner of the location of said street, road, lane or alley, through the petitioner's land, and the amount of damages, if any, which said petitioner hath sustained. Viewers to be sworn.

SECTION 6. It shall be the duty of said court, at the term to which the report aforesaid is made, to make an order, naming a day certain, during the succeeding term of said court, for the final hearing and disposition of said complaint, notice of which, together with a copy of the report of the reviewers aforesaid, shall be served upon the burgess and town council, or either one of them, at least ten days before the day fixed for the hearing by said court. Powers of court.

SECTION 7. At the time of hearing said parties, said court may, as it shall deem proper, examine witness touching said matter, and may either approve of the report of said viewers, or lessen or increase the amount, as it shall deem just; the whole proceedings to be entered of record, and the judgment of the court to have the same validity, and to be enforced in the same manner as a judgment entered upon the verdict of a jury: *Provided*, That if the petitioner shall not receive an amount greater than the sum offered by the burgess and town council, he shall pay all costs accruing on said petition, including the pay of the viewers, which shall be one dollar each per day; if the amount awarded said petitioner by said court, shall exceed the amount offered by said burgess and town council, all costs as aforesaid, shall be paid by said borough; the costs in either case to be the same as are fixed by law for similar services. Court may examine witnesses. Proviso.

SECTION 8. That so much of the act, entitled "An Act authorizing a state road from the road which leads from Mount Pleasant to the Washington and Pittsburg turnpike road, at a point at or near Alexander May's saw mill, in Washington county, to intersect a road leading to Pittsburg, at G. F. Coulter's mill, in Allegheny county," approved the eleventh day of March, one thousand eight hundred and forty-seven, as requires the commissioners therein named to make out and deposit drafts in the office of the secretary of the commonwealth, and in the office of the clerks of the respective counties through which the road passes, before the first Tuesday of January, one thousand eight hundred and forty-eight, is hereby extended to the first day of April, one thousand eight hundred and forty-eight. Time of commissioners of May's and Coulter's Mill state road, for filing draft, extended.

WILLIAM F. PACKER,

*Speaker of the House of Representatives.*

WM. WILLIAMSON,

*Speaker of the Senate.*

APPROVED—The sixth day of March, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

## No. 93.

## AN ACT

Relating to certain streets and roads in Philadelphia, Montgomery, Lancaster and Chester counties.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That Grover avenue, as the same is laid out upon the plan of the survey of the township of Passyunk, in the county of Philadelphia, made by John Thompson, in the year one thousand eight hundred and thirty-two, and filed in the office of the court of quarter sessions for the county of Philadelphia, of the width of one hundred feet from the south side of Cedar street to the north-west side of Gray's Ferry road, be and the same is hereby vacated and annulled. And in lieu thereof, that Beech street, of the width of fifty feet, as the same is laid out and opened in the city of Philadelphia, be and the same is hereby continued southward between the same lines, and of the same width, from the south side of the said Cedar street to the south side of Shippen street, in the said township. And that the said Beech street be and the same is hereby extended farther southward, between the same lines, to the north-west side of the Gray's Ferry road: *Provided,* That the consent of the proper authorities, under the United States government, shall be given to such further extension south of Shippen street.

A portion of Grover avenue vacated.

Beech street extended.

Part of Indiana street vacated.

SECTION 2. That so much of Indiana street as lies between Frankford and Bristol turnpike road, within the district of Richmond, and the south-easterly boundary of the Franklin cemetery, as the same is laid out and incorporated according to law, be and the same is hereby vacated.

Franklin cemetery authorized to lay out an avenue.

SECTION 3. That with the consent and approbation of the trustees of the said Franklin cemetery, and the managers of the said Franklin cemetery company, first being had and obtained, that a sixty foot wide avenue, leading from the said Frankford and Bristol turnpike road, within the said district of Richmond, to the said Franklin cemetery, which has been laid out by the said trustees, as a way to the said cemetery, be and the same is hereby confirmed as a public street, to be forever used as a way to said cemetery, and for the public convenience.

Street commissioners of Pottstown authorized to lay out a street.

SECTION 4. That the street commissioners of the borough of Pottstown, in the county of Montgomery, are hereby authorized and required, on or before the first day of May next, to lay out and open a public street in said borough, sixty feet in width, beginning in a public road lately opened by order of the court of quarter sessions of said county, through lands of B. M. Boyer, L. E. Corson and others, and known as Washington street, in said borough, at a point where the same would be intersected by King street, in said borough, if extended; and thence by the courses of King street aforesaid, through lands of Frederick Rightmyer and others, eastwardly, to the extreme eastern limit of said borough: *Provided,* Any person who shall sustain any damage by the exercise of the authority given by this section, shall have all the rights and remedies provided in cases of public roads, by

Proviso.

the act, entitled "An Act relating to roads, highways and bridges," passed the thirteenth day of June, Anno Domini one thousand eight hundred and thirty-six.

SECTION 5. That the court of quarter sessions of Lancaster county shall have power, and the said court is hereby authorized to appoint viewers, upon the petition of any number of citizens, to view and widen Church street, in the city of Lancaster, by view and review, and in like manner to cause the same to be widened, as is now provided for the opening of roads in said county of Lancaster, under the laws of this commonwealth relating thereto, all of which provisions as to the ascertainment and payment of damages, are hereby re-enacted and declared to be part of this act, so far as relates to the widening of said Church street: *Provided*, The said court may cause the said street to be opened to any width not exceeding seventy feet. Authority to widen Church street, in the city of Lancaster.

SECTION 6. That all roads now laid out and not yet opened, and all roads that may hereafter be laid out in the township of West Bradford, in the county of Chester, shall be opened and made in the following manner: The supervisors shall divide such roads into as many sections as they shall think proper, each not exceeding one mile in length, and shall enter and specify in a road book to be kept for that purpose, the nature and character of the work to be done to each section; which book shall always be kept open for public inspection; and after having given ten days' notice, by handbills placed in five or more of the most public places in the township, shall proceed to sell, by public vendue, the said sections, to the lowest and best bidder; and after having allotted said sections, shall direct the persons to whom said allotments have been made, to proceed immediately to open the same according to the specifications entered in the said road book, and in case of neglect or failure of any contractor to open his section or sections agreeably to the terms upon which he received such contract, the supervisors shall dispose of said section or sections at a subsequent sale, by like proceedings as was had at the first sale; and if the price exceeds the previous sale and allotment, the person to whom the previous allotment was made shall be liable for said excess, and for all expenses incurred in effecting said second sale; the amount of which said excess and expenses may be sued for and recovered by the said supervisors; as debts of similar amount are now by law sued for and recoverable; after such roads have been opened, they shall be kept in repair by the said township, in the same manner that other roads therein are now by law repaired. Roads in Bradford township, Chester county, how opened.  
Duty of supervisors.

SECTION 7. That from and after the passage of this act, so much of Mount Joy street, in the village of Mount Joy, in the county of Lancaster, as lies between Barbara and Jacob street, shall be a public highway; and the same shall be made and kept in repair by the township or townships in which the said road lies. Mount Joy street, in Mount Joy, Lancaster county, declared a public highway to a certain extent.

SECTION 8. That York court and Pratt's court, as now laid out from the east side of New Market street to the west side of Front street, between Coates and Brown streets, in the incorporated district of the Northern Liberties, county of Philadelphia, be and the same are hereby declared a public highway, and shall be deemed and taken to be a public road, as if the same were of the width of twelve feet, and shall be subject to and under the control of the commissioners of the said incorporated district of the Northern Liberties: *Provided*, That the county shall not be called upon, nor pay any damages for the same. York court and Pratt's court, in Northern Liberties, declared public roads.  
Proviso.

SECTION 9. That a certain street running from Eighth, westward, to Tenth street, south of Carpenter street, in the township of Moyamensing, changed to Auburn street. Loud street, in Philadelphia, changed to Auburn street.

sing, in the county of Philadelphia, heretofore called Loud street, shall hereafter be called and known by the name of Auburn street.

WILLIAM F. PACKER,

*Speaker of the House of Representatives.*

WM. WILLIAMSON,

*Speaker of the Senate.*

APPROVED—The sixth day of March, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

No. 94.

## AN ACT

To incorporate, in the township of Lower St. Clair, in Allegheny county, a borough, to be called "South Pittsburg."

Boundaries.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the territory lying in the township of Lower St. Clair, in the county of Allegheny, included within the following boundaries:—Beginning on the bank of the Monongahela river, at low water mark, where the western line of the borough of Birmingham strikes said river; thence by said borough line southwardly, so as to include the coal hill lots in the manor of Pittsburg; thence westwardly along the south end of said lots, to the western line of land now owned by the heirs of Samuel Black, deceased; thence northwardly by the line dividing said land of Black's heirs from the land of heirs of Thomas Jones, deceased, to the southern bank of the Monongahela river, at low water mark; thence eastwardly, by low water mark, up the Monongahela river, to the western line of the borough of Birmingham, the place of beginning, to be called the borough of South Pittsburg.

Election of Officers.

SECTION 2. The inhabitants of said borough entitled to vote for members of the general assembly, having resided therein ten days immediately preceding the election, shall, on the third Friday of March next, and on the third Friday of March in every year thereafter, meet at the house occupied by E. M'Aninch, in said borough, and then and there, between the hours of one o'clock and seven, P. M., elect by ballot one citizen, who shall be styled the burgess of said borough, and four other citizens to be members of the town council; and at the first election six school directors, two to serve one year, two for two years, and two for three years; and thereafter two school directors annually, and one person to be constable of said borough, and one person as overseer of the poor, whose name shall be returned to the next court of quarter sessions for the like purposes, as in elections of township constables; the said inhabitants shall also, at the same time and place, elect two justices of the peace, unless one of the justices of the peace, already



commissioned for Lower St. Clair, resides within the bounds of said borough, in which case, they shall elect but one justice of the peace at said election, one judge and two inspectors of elections and assessors, agreeable to the laws of this commonwealth; the said elections shall be conducted in the same manner as is provided for the election of township officers of this commonwealth, except that the certificates of the election of burgess, town council and school directors, shall be filed among the records of the corporation: *Provided*, That the first election to be held under this act, shall be held by William Meredith, William Young and John Evans, who are hereby required to attend at the house of E. M'Aninch, on the third Friday of March next, at the usual time of holding their spring elections.

SECTION 3. That from and after the said third Friday of March next, Incorporated. the burgess and town council duly elected, and their successors, shall be one body politic and corporate, by the name, style and title of the burgess and town council of the borough of South Pittsburg; shall have, possess and enjoy all the rights, liberties, franchises and privileges of a Privileges. borough incorporated in pursuance of the act, passed first of April, Anno Domini, one thousand eight hundred and thirty-four, entitled "An Act to provide for the incorporation of boroughs;" and the several provisions of said act, so far as the same are not inconsistent with this act, shall extend to, and be in force within said borough, as fully as if said borough had been incorporated agreeably to the provisions thereof.

SECTION 4. The justices of the peace residing in said borough shall Justices of the continue to hold their commissions, as if this act had not been passed; peace. and the first election of justices under this act, shall be held on the third Friday of March next.

SECTION 5. The constable of said borough shall perform the duties Constable. of high constable therein, until otherwise provided; but the burgess and town council may authorize the election or appointment of a high constable, if they deem it expedient.

SECTION 6. The school directors elected under this act, shall perform School directors. the same duties, and possess the like powers in all respects, as school directors elected agreeably to the general laws of this commonwealth.

SECTION 7. The said borough shall be a separate election district, Election districts. and the electors thereof, shall hold their borough and general elections at the house now occupied by E. M'Aninch.

SECTION 8. The burgess and town council shall meet on the first Meetings of council. Monday next succeeding their election in each year, and as often thereafter as occasion may require; three members shall constitute a quorum to do business, and the proceedings of a majority of a quorum, when there is one formed, shall be valid; they shall have power, in the absence of the burgess, to elect a president pro tem., who shall perform Duties. all and every duty enjoined on the burgess; in his absence, the burgess and members of the town council shall, in all cases, continue to hold their respective offices, until their successors shall be duly elected and qualified.

SECTION 9. The town council shall have power to pass and enact by-laws, rules and regulations, and ordinances, as they may deem necessary Further powers of council. to promote the peace and good order and general welfare of the inhabitants and well being of said borough, and for the purpose of improving and keeping in good order the side walks, streets, lanes, alleys or other property whatsoever; and also assess, levy and collect, and appropriate such taxes as shall be necessary to carry their rules and ordinances into effect, which said taxes shall not exceed, in any one year, four mills on the dollar, except by consent of two-thirds of the taxables of the borough, to be certified, under their hands, to the town council for that

purpose, and shall not in any year, make any appropriation to exceed the taxes of that year.

WILLIAM F. PACKER,  
*Speaker of the House of Representatives.*

WM. WILLIAMSON,  
*Speaker of the Senate.*

APPROVED—The sixth day of March, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

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No. 95.

AN ACT

To confer on Jesse Allen James, a minor, certain rights and privileges.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That Jesse Allen James, son of Calvin James, and Sarah James, his present wife, of West Brandywine township, in the county of Chester, shall have and enjoy all the rights and privileges of a child born in lawful wedlock, and shall be able and capable in law to inherit and transmit any estate whatsoever, as fully and completely, to all intents and purposes, as if he had been born in lawful wedlock.*

WILLIAM F. PACKER,  
*Speaker of the House of Representatives.*

WM. WILLIAMSON,  
*Speaker of the Senate.*

APPROVED—The sixth day of March, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

No. 96.

## AN ACT

For the better regulation of the common school system, so far as relates to East Lampeter and Leacock township school districts, in Lancaster county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* the provisions of an act for the better regulation of the common school system, so far as it relates to Ephrata township school district, in the county of Lancaster, approved the thirteenth day of March, one thousand eight hundred and forty seven, be and the same are hereby extended to East Lampeter township and Leacock township school districts, in Lancaster county.

WILLIAM F. PACKER,  
*Speaker of the House of Representatives.*

WM. WILLIAMSON,  
*Speaker of the Senate.*

APPROVED—The sixth day of March, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

No. 97.

## AN ACT

To change the name and grade of a rifle company in Lehigh county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* from and after the passage of this act, the rifle company in the county of Lehigh, styled the Upper Milford Rifle Rangers, shall be and is hereby changed into an artillery company, to be called the Taylor Artillerists; and all acts done under the former name of the Upper Milford Rifle Rangers shall not be affected in any manner by this act; and the corps shall enjoy all the advantages, in point of date or age of company officers, as if this act had not been passed; and said company shall be entitled to all the privileges and immunities, together with all the arms and

Taylor Artillerists.

accoutrements that a company of artillery may be entitled to under existing laws.

WILLIAM F. PACKER,  
*Speaker of the House of Representatives.*

WM. WILLIAMSON,  
*Speaker of the Senate.*

APPROVED—The sixth day of March, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

No. 98.

## AN ACT

For the better regulation of the fire department in the city and incorporated districts of the county of Philadelphia.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* from and after the passage of this act, if any fire company, the members thereof, or its adherents, shall be guilty of rioting or fighting in the public streets of the city or incorporated districts of the county of Philadelphia, while going to, at or returning from a fire, or to or from a false alarm, it shall be the duty of the court of quarter sessions of the said county, upon complaint made to them thereof, by any of the citizens, supported by affidavit, if they or a majority of the judges shall consider the complaint well founded, to declare such company out of service, and unlawful for the members thereof to act as a fire company for the space of six months, and to order their doors to be closed; and if after the expiration of that term, they shall again be guilty of rioting or fighting as aforesaid, within the same year, it shall be the duty of the said court, upon a similar complaint of two citizens, to disband said company and declare it unlawful for them, at any time thereafter, to appear in the public streets as a fire company.

Rioting and fighting punished.

Formation of fire companies regulated.

Duty of court.

SECTION 2. When any persons shall be desirous of associating themselves together, or forming any company in the city or any of the incorporated districts of the county of Philadelphia, for the purpose of extinguishing fires, they shall prepare an instrument in writing, setting forth the name under which they intend to associate, the location they propose to occupy, the number of persons associating, with the names, ages and places of residence, and describing the kind of apparatus they design to use, with a statement of its value and the amount of their funds, accompanied with an application for permission to form themselves into a company, and the same to exhibit and present to the court; and the said court shall proceed to examine the said instrument, and if they shall see no objection thereto, they shall cause notice of the said application to be published in two daily papers, once a week for four weeks, in said city, and if no valid objection shall be made within that

time to the formation of the said company, by any of the citizens, the said court shall, if they deem it necessary, authorize and allow the said company to be formed; and any persons forming a company in any other manner than is herein provided for, shall be punished as is hereinafter provided for; and every company now formed, or that may hereafter be formed in said city or districts, shall annually, on or before the second Tuesday in January, or before they shall receive any appropriation from said city or districts, lay before the councils or commissioners a statement of the number of its members, with their names, Annual statement. ages and places of residence, together with a statement of the number of times, in each month, that such company was called out by fire or false alarm, and the number of members at each fire, and any other information the officers of such company may deem useful or necessary.

SECTION 3. No fire company now formed, or hereafter to be formed, within said city or incorporated districts, shall erect or use any stationary alarm bell; the said city and incorporated districts shall each procure, and have at least one large bell, to be rung in time of fire by a person duly appointed by the respective corporations of said city and districts. Company not to use an alarm bell.

SECTION 4. That from and after the passage of this act, it shall not be lawful for minors to be elected to any fire engine or hose company located within the city or incorporated districts of the county of Philadelphia; and any fire engine or hose company, located as before mentioned, who shall allow their apparatus to be dragged through the public streets by minors, shall be deemed guilty of a misdemeanor, and upon complaint being made thereof, and sustained as provided for in the first section of this act, to the said court, the court shall thereupon make its decree, close the doors, and declare such company out of service for the period of one month, or more, at the discretion of said court. Minors prohibited from being members.

SECTION 5. Any person or persons who shall wilfully and maliciously deface, injure or destroy any estate or apparatus of any fire company in said city and districts, shall be deemed guilty of felony, and being thereof convicted, shall be sentenced to undergo an imprisonment at hard labor for a term not less than six months, or more than one year, and shall give security for future good behavior in such sum and for such time, according to the nature and enormity of the offence, as the court before whom such conviction shall take place, may fix; and any person or persons who shall otherwise offend against the provisions of this act, shall be deemed guilty of a misdemeanor, and being thereof convicted, shall be fined in a sum not exceeding one hundred dollars, for the use of the county of Philadelphia, or imprisoned not exceeding one year, or both, at the discretion of the court, and may be held to bail for future good behavior. Injury to apparatus punished.

SECTION 6. The councils and commissioners above named, respectively, shall take proper means to ascertain the number of alarms and fires, and the value of property destroyed in each year, and the cause, probable cause of each and every fire in said city and districts; and in case of any fires being caused by incendiaries, may offer and pay from the funds of the city or districts, such reward for the detection, as will secure the apprehension and conviction of the incendiary. Duties of commissioners and councils.

WILLIAM F. PACKER,

*Speaker of the House of Representatives.*

WM. WILLIAMSON,

*Speaker of the Senate.*

APPROVED—The seventh day of March, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

No. 99.

## AN ACT

To authorize the governor to incorporate the Whitemarsh and Plymouth turnpike road company.

- Commissioners.** SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* Isaac Jones, James Wells, David Hany, Charles Wood, William Davis, James Cresson, Daniel A. Dager, Nathaniel Yerkes, Daniel O. Hitner, George Corson, Jacob Albertson and Alan W. Corson, of Montgomery county, be and they are hereby appointed commissioners to do and perform the duties hereinafter mentioned, that is to say, they shall procure a book, and therein enter as follows:—“We whose names are hereunto subscribed, do promise to pay to the president and managers of the Whitemarsh and Plymouth turnpike road company, the sum of fifty dollars for every share of stock in said company by us subscribed, in such manner and proportions, and at such times and places, as shall be determined on by the president and managers in pursuance of an act, entitled ‘An Act to authorize the governor to incorporate the Whitemarsh and Plymouth turnpike road company.’ Witness our hands the day of \_\_\_\_\_, Anno Domini, one thousand eight hundred and forty-eight;” and shall give at least twenty days’ notice in two newspapers published in Norristown, of the time and place, when and where, the said books shall be opened to receive subscriptions of stock of the said company; at which time and place, three or more of the said commissioners shall attend and receive subscriptions from all persons of lawful age, who shall offer to subscribe in said book, which shall be kept open for the purpose aforesaid, six hours or more in each juridical day for the space of three days, or until there shall have been subscribed one hundred and eighty shares; and the said commissioners may adjourn from time to time, and transfer the book from place to place, until the whole number of shares aforesaid, shall be subscribed; of which adjournment and transfer, the said commissioners shall give such notice as the occasion may require.
- Form of subscription.**
- Open books.**
- Letters patent.** SECTION 2. When twelve or more persons shall have subscribed one hundred or more shares, and the said commissioners, or a majority of them shall have certified, under their hands and seals, to the governor the names of the subscribers, and the number of shares subscribed by each, it may be lawful for the governor, by letters patent under his hand and seal of the state, to create and erect the subscribers, and also those who may afterwards subscribe, into one body politic and corporate in deed and in law, by the name, style and title of the Whitemarsh and Plymouth turnpike road company; and by the same name the subscribers shall have perpetual succession, and the privileges and franchises incident to a corporation, and shall be capable of taking and holding their capital stock, and the increase and profits thereof, and of enlarging the same from time to time, by new subscriptions, in such manner and form as they shall think proper, if such enlargement shall be found necessary to fulfil the intention of this act, and of purchasing, taking and holding to them and their successors and assigns, and of selling,
- Name.**
- Privileges.**

transferring and conveying, in fee simple, or for any less estate, all such lands, tenements, hereditaments and estates, real and personal, as shall be necessary to them in the prosecution of their work, and of suing and being sued, and of doing all and every other matter or thing which a corporation or body politic may lawfully do.

SECTION 3. That the commissioners aforesaid, or any three of them, as soon as conveniently may be after the said letters patent are obtained, shall give notice in two newspapers published in Norristown, of a time and place by them to be appointed, not less than ten days from the first publication of said notice, at which time and place the said subscribers shall proceed to organize the corporation, and choose by ballot, by a majority of the votes of the subscribers present in person, one president, six managers and one treasurer, and such other officers as may be necessary to conduct the business of said company, until the third Monday in May next after said meeting, and until other officers shall be chosen; and shall and may make such by-laws, rules and regulations, not inconsistent with the constitution and laws of this commonwealth, or of the United States, as shall be necessary for the well ordering the affairs of said company: *Provided*, That no stockholder shall have more than ten votes at any election, or in determining any question at any meeting, but each stockholder shall be entitled to one vote for each share of stock held not exceeding ten shares: *And provided also*, That no stockholder, whether original subscriber or assignee, shall be entitled to vote at any election or meeting of said company, unless the whole sum due and payable on the stock by him or her held at the time of said offering to vote, shall have been fully paid.

Organization of  
company.

Proviso.  
Votes.

Proviso.

SECTION 4. The stockholders of the said company shall meet on the third Monday of May in every year, at such place as shall be fixed by the by-laws, for the purpose of choosing officers for the year ensuing, in the manner aforesaid, and at such other times as they shall be notified by the managers; at which annual or special meetings they shall have full power to make, alter or repeal, by a majority of votes in manner aforesaid, all such by-laws, rules and regulations made as aforesaid, and to do and perform any other corporate act.

Annual meeting.

SECTION 5. The president and managers first to be chosen as aforesaid, shall procure certificates for all the shares of stock of the company, and shall deliver one such certificate, signed by the president and treasurer, and sealed with the seal of the corporation, to each subscriber for the number of shares by him or her held; which certificates shall be transferable at the pleasure of the holder in person, or by attorney, in the presence of the president or treasurer, on the books of the company, only subject, however, to all payments due or to become due thereon.

Certificates of  
stock.

Transferable.

SECTION 6. If any stockholder, whether original subscriber or assignee, after twenty days' notice in two newspapers printed in Norristown, of the time and place appointed for the payment of any instalment or portion of the capital stock, shall neglect or refuse to pay such instalment or portion at the place appointed, for the space of thirty days after the time appointed for such payment, every such stockholder shall, in addition to the instalment so called for, pay at the rate of two per centum per month for the delay of such payment; and in default of payment by any stockholder, of such instalments and penalties, the president and managers shall cause suit to be brought, in the same manner as debts of a like amount are recoverable, for the recovery of the said instalments and the penalties aforesaid.

Instalments.

Penalty in case of  
non-payment.

SECTION 7. The said president and managers shall meet at such times and places as shall be ordained by their by-laws, and when met, five

Duties and powers.	<p>shall be a quorum; and the managers present, in the absence of the president, may choose a president pro tem.; they shall keep minutes of all their proceedings, fairly entered in a book to be kept for that purpose, and shall have full power and authority to appoint and agree, or contract with such engineers, superintendents, artists, laborers and other persons, as they may think necessary to make and construct said road, and collect the tolls hereinafter authorized, and fix their compensation; to determine the time, manner and proportion in which the stockholders shall pay the amount of their respective shares; to draw orders on the treasurer for all debts contracted by them, which orders shall be signed by the president, or in his absence, by a majority of a quorum of the managers, and attested by the secretary; and to do and transact all other acts, matters or things as by this act and the by-laws of the company may be entrusted to them.</p>
Location of road.	<p>SECTION 8. The said turnpike road shall commence at the north-east end of the bridge over the canal at Conshohocken, in the line dividing the townships of Whitmarsh and Plymouth, in said county of Montgomery, and proceed from thence on the nearest and best route, to the Germantown and Perkiomen turnpike road, at or near Plymouth meeting house.</p>
Width of road.	<p>SECTION 9. The said road shall be laid out not exceeding fifty feet in width, of which forty feet shall be opened and graded, and twenty-five feet wide in the middle of said forty feet shall be a good and substantial turnpike road, to be composed of limestone or marblestone, when the same can be had conveniently, well broken and compacted firmly together, at least one foot in depth, and so nearly level in its progress, that it shall in no place rise or fall more than will form an angle of two degrees and a-half from a horizontal line, excepting for one thousand feet nearest to said canal bridge; at the beginning of said road it may have a rise or fall not greater than will form an angle of four degrees with a horizontal line; and the said company shall have power to erect and build a stone arch or wooden bridge over the Philadelphia and Norristown railroad, at Conshohocken, of sufficient height so as not to obstruct the passage of the locomotive engines or cars of said railroad company, and shall have authority to erect culverts over any creeks or channels where water must necessarily pass; and the said turnpike company shall ever after maintain and keep the said road, bridge and culverts in good order and repair: <i>Provided however</i>, That in all deep cuts or fills, the said road need not be of greater width on the surface than thirty feet.</p>
Construction.	
Proviso.	
May enter upon lands.	<p>SECTION 10. It shall be lawful for the president and managers, and their agents, engineers and workmen, with their tools and instruments, carts, wagons and other carriages, and beasts of draught and burden, to enter in and upon the lands over which, and contiguous and near to which the said road shall be laid or made, first giving notice of their intention to the occupiers thereof, and doing as little damage thereto as possible, and making amends for damages, if any, upon an equitable agreement by the parties; or if they cannot agree, then a just assessment to be made, upon oath or affirmation, by three disinterested citizens, or any two of them, to be mutually chosen; or if either party, upon due notice, shall neglect or refuse to join in the choice, then to be chosen by a justice of the peace, who shall not be interested therein: <i>Provided</i>, That either party may appeal to court, within thirty days after such assessment of damages, and upon the payment of such damages, or giving adequate security therefor, may dig and carry away any timber, stone, gravel, sand, earth or other materials necessary or suitable for making said road; and the said managers and their work-</p>
Assessment of damages.	
Proviso.	



men under their supervision, shall have full power to enter upon any lands lying near to or adjoining said road, and to cut or open such drains through the same as they shall judge necessary to drain the water from the turnpike road, with the same rights and under the same penalties as the supervisors of highways.

SECTION 11. The said president and managers shall keep fair and just Accounts to be accounts of all moneys received by them, and of those paid out and kept. expended in the prosecution of the work, and shall at least once in every year submit their books and accounts to a general meeting of the stockholders; and whenever it shall be ascertained that the capital stock of the company is not sufficient to complete the said road according to the true intent and meaning of this act, it shall be lawful for the president and managers, at a stated or special meeting, convened according to the provisions of this act and by-laws, to increase the number of shares to Increase shares. such an extent as they shall deem sufficient to accomplish the work, and to demand and receive the moneys subscribed for such additional shares, in the like manner and under the like penalties as are provided by this act in the case of original subscriptions.

SECTION 12. Whenever the said company shall have finished that part of said turnpike road between Conshohocken and the Ridge turnpike road, the president thereof may give notice to the governor, who shall thereupon forthwith appoint three skillful, judicious and disinterested Governor appoint viewers. persons, to view and examine the same, and to report on oath or affirmation, to him, whether the said road is so far executed in a competent and workmanlike manner, according to the true intent and meaning of this act; and if their report shall be in the affirmative, then the governor shall, by license, under his hand and the seal of the state, permit said License to take company to erect one gate across and upon said road, to collect from all toll. persons such tolls as are hereinafter authorized to be collected: *Proviso.* *ded.* That no toll shall be demanded from any person or persons passing or repassing from one part of his, her or their farm, to any other part of the same; and all persons with their vehicles or horses, going directly to or from funerals, or places of public worship, shall be exempt Exemptions. from the payment of tolls when traveling on the said road.

SECTION 13. When the said company is licensed in manner aforesaid, Toll-gatherer. it shall be lawful for them to appoint one toll-gatherer, to collect and receive of and from all and every person and persons using the said road, the toll and rates hereinafter mentioned, and to stop any person leading, driving or riding any horses, cattle, hogs, sheep or vehicle of burden or pleasure of whatsoever kind, from passing through the said gate, until they shall have respectively paid the same: that is to say, for the whole length of said road, and in proportion for any less distance, for every score of hogs, six cents; for every score of sheep, six cents; for every score of cattle, nine cents, and in proportion for any greater or less number; for every horse and his rider, or lead horse, two cents; for every sulkey, chair or chaise, with one horse and two wheels, four cents: and for every such carriage, with two horses, six cents; for every vehicle, not of burden, with four wheels, six cents for each horse drawing the same; for every sleigh, six cents for each horse drawing the same; for every sled, five cents for each horse drawing the same; for every cart, wagon or carriage of burden, carrying less than three tons burden, with wheels four inches wide, five cents per each horse drawing the same; with wheels less than four inches wide, seven cents for each horse drawing the same; and for every such carriage of burden carrying three tons or more burden, with wheels four inches wide, seven cents for each horse drawing the same; and with wheels less than four inches wide, nine cents for each horse drawing the same; two oxen, Tolls.

**Frauds punished.** or one mule or ass, to be estimated as equal to one horse; and if any person shall represent to said toll-gatherer that he or she has traveled a less distance than he or she has actually traveled along said road, with intent to defraud the company of any toll, such person shall, for every such offence, forfeit and pay to the use of the company, the sum of five dollars; and if any toll-gatherer shall demand and receive toll for a greater distance than the person from whom such toll is demanded shall have traveled along said turnpike road, or shall demand and receive greater toll than is authorized by this act, such toll-gatherer shall forfeit and pay the sum of five dollars for every such offence, to the supervisors of the townships of Whitemarsh and Plymouth, for the use of the same, to be expended in repairing the public roads, and for the payment of which the said company shall be responsible: *Provided*, That the said company may, in their discretion, reduce the tolls hereinbefore provided, or any of them, below what is here allowed, and to raise the same again, not higher than is permitted by this act, during such times and seasons, or at all times and with such discrimination as they may deem most expedient.

**Proviso.**

**Proceedings in case road is out of repair.** SECTION 14. If the said company shall neglect to keep the road in good order, for the space of thirty days, a justice of the peace in the said county of Montgomery, may issue a precept, directed to any constable, commanding him to summon three disinterested persons, to meet at a certain time, at the place in said road which shall have been complained of, of which meeting notice shall be given to the toll-gatherer; and the said justice shall, at such time and place, hold an inquisition, and if the said road shall be found by the said inquisition to be out of order, contrary to the true intent and meaning of this act, the said justice shall certify a copy of the inquisition and send to the toll-gatherer, and from the time of receipt of said copy, no tolls shall be collected until the said defective part or parts of the said road shall be put in good order and repair aforesaid.

**Penalty for practising fraudulent means.** SECTION 15. If any person or persons whomsoever, shall practice any fraudulent means or device, with the intent that the payment of any toll or duty at said turnpike gate may be evaded or lessened, all and every such person or persons, in any way or manner offending, shall, for every such offence, forfeit and pay to the said company, any sum not exceeding ten dollars, to be sued for and recovered with costs of suit, before any justice of the peace, in like manner as debts of a similar nature are by law sued for and recovered.

**Claims for damages.** SECTION 16. In the adjustment of claims for damages, for taking or using land or other property by the company, it shall be the duty of the persons appointed, according to this act, to take into consideration the advantages as well as the disadvantages to be derived or sustained by the making of said turnpike road.

**Dividends.** SECTION 17. The president, managers and company shall, in the month of May in each and every year after the organization thereof, on a day to be named in their by-laws, proceed to examine and ascertain the income of the company, and after deducting all costs and charges incurred by the same, may, if a majority of votes are found to be in favor thereof, out of the net profits, if any there be, declare a dividend to and among the stockholders; notice of which, and of the time and place, shall be given, and the same shall be paid accordingly.

**Supervisors authorized to subscribe for stock.** SECTION 18. The supervisors of the highways of the townships of Whitemarsh and Plymouth, shall, in addition to the powers vested in them by the act of assembly, approved April the fifth, Anno Domini one thousand eight hundred and forty-two, authorizing subscriptions to be made to turnpike roads, be further authorized and empowered to

borrow money to pay the instalments on the stock so subscribed, and to issue certificates for the same, bearing an interest not exceeding six per cent., per annum, and payable at any time not exceeding ten years, which certificates shall be binding on said townships; and if said road shall be laid out upon the line dividing said townships, the said supervisors are hereby as fully authorized to subscribe for stock in said turnpike, as if the same were laid out wholly in such township, or either of them. Their duties and powers.

SECTION 19. If the said company shall not proceed to carry on the said work within two years after the passage of this act, or shall not within four years thereafter complete the same, according to the true intent and meaning of this act, then, or in either of those cases, all and singular, the rights, liberties, privileges and franchises hereby granted, shall revert to the commonwealth. Commencement and completion of road.

SECTION 20. That the legislature hereby reserve the right to alter, annul or revoke the charter and privileges hereby granted, whenever in their opinion the same may be injurious to the citizens of this commonwealth, in such manner, however, that no injustice shall be done to the corporators; and the legislature shall have power to alter the rate of toll fixed by this act; and the managers of said company may lessen the same whenever they shall believe it necessary for the well being of the company or the community at large. Reservation.

WILLIAM F. PACKER,  
*Speaker of the House of Representatives.*

WM. WILLIAMSON,  
*Speaker of the Senate.*

APPROVED—The eighth day of March, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

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No. 100.

## A N A C T

For the removal of the seat of justice of the county of Schuylkill, from Orwigsburg to the borough of Pottsville.

WHEREAS, By an act of the general assembly of this commonwealth, approved the thirteenth day of March, one thousand eight hundred and forty-seven, the question of the removal of the seat of justice of the county of Schuylkill, from Orwigsburg to the borough of Pottsville, was submitted to a vote of the qualified citizens of said county of Schuylkill, at their next general election, to be held after the passage of said act: Preamble.

*And whereas,* It appears by the official returns of the election, held in pursuance of said act, that a majority of the votes of the qualified citizens of said county, voting upon the question of removal as afore-

said, were cast in favor of the removal of the seat of justice for said county, from Orwigsburg to the borough of Pottsville:

*And whereas,* Doubts have arisen concerning the constitutionality of the said act of assembly, submitting the said question of removal to a vote of the people of said county as aforesaid; and it is desirable that the general assembly should remove all difficulty, by the enactment of an absolute law, confirming the vote of the people of said county as aforesaid, and securing the removal of the seat of justice as aforesaid; therefore,

**SECTION 1.** *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the citizens of the borough of Pottsville are hereby authorized, at their own proper expense, to erect, or cause to be erected, within three years from and after the passage of this act, upon the site, in the borough of Pottsville aforesaid, selected by the commissioners appointed in the act of the last general assembly, entitled "An Act concerning the removal of the seat of justice of the county of Schuylkill, from Orwigsburg to the borough of Pottsville," suitable buildings, of brick or stone, for a court house and different offices, for the safe keeping of the county records, under the direction of the county commissioners for said county, who are hereby authorized and required to receive a conveyance for the said lot of ground for the use of the county of Schuylkill, in fee simple, clear of all incumbrances; and so soon as the said buildings are erected as aforesaid, together with a suitable jail, as hereinafter provided for, and said court house, public offices and jail are approved of by the court of common pleas of said county, in the manner hereinafter provided, then the seat of justice for the county of Schuylkill, shall cease to be at Orwigsburg, and the same shall be removed to the borough of Pottsville aforesaid.

**SECTION 2.** The commissioners of the said county of Schuylkill are hereby authorized and required, at the expense of said county, to procure a suitable lot or lots of ground, within the borough of Pottsville, and to erect and build upon the said lot or lots of ground, a suitable county prison and jail, of brick or stone, within three years after the passage of this act as aforesaid: *Provided,* That the county commissioners aforesaid, shall not commence the erection of the county prison or jail aforesaid, until five or more of the friends of the removal of the seat of justice, shall enter into a bond to the county aforesaid, to indemnify said county against the payment of any expense incurred in the erection of the court house and public offices, provided for by the first section of this act; the amount of said bond to be fixed, and the sufficiency of the obligors to be approved of by the court of common pleas of said county, in term time, or by two of the judges of said court, during vacation.

**SECTION 3.** It shall be lawful for the citizens of Pottsville to obtain subscriptions from any person or persons, willing to subscribe any money or materials for the erection of such court house and public offices, as are provided for in the first section of this act; and in default of the payment of the same to the county commissioners, said county commissioners are hereby empowered to cause suit to be brought in the name of said county, to enforce the recovery of the same, and when collected to be applied towards defraying the expenses of said buildings.

**SECTION 4.** That so soon as the public buildings are completed, according to the provisions of this act, the county commissioners aforesaid shall file a report of the same, in the court of common pleas of Schuylkill county, and the said court, upon examination thereof, being

Citizens of Pottsville authorized to erect a court house, &c.

When the seat of justice shall be removed to Pottsville.

Commissioners to purchase a lot or lots, and erect a prison.

Proviso.

Subscriptions may be obtained and recovered.

Commissioners to certify when buildings are completed.

satisfied that said buildings are fully completed, according to the true intent and meaning of this act, and a record thereof being made by endorsement on said report, the commissioners and sheriff of said county shall thereupon cause the prisoners, if any there shall be confined in the old prison, to be safely removed to the new, and the public papers and records, then remaining in the public offices at Orwigsburg, to be safely deposited in the new buildings, so as aforesaid, built for the reception thereof; and from thenceforth the seat of justice, in and for the county of Schuylkill, shall cease to be at Orwigsburg, and the same shall be removed and fixed at the new location, in the borough of Pottsville, so as aforesaid fixed upon; and the public offices heretofore kept, and the courts of justice heretofore held at Orwigsburg, in and for the county of Schuylkill, shall be kept and held at the borough of Pottsville, in the county aforesaid.

When removal to take effect.

SECTION 5. The county commissioners for the county of Schuylkill, be and hereby are authorized and empowered, as soon as the aforesaid seat of justice shall be removed, in the manner provided for in this act, to release to the borough of Orwigsburg aforesaid, on legal demand, made by proper authority, all the right, title and interest which said county may have in and to the county buildings and grounds, on which the same are erected, together with the appurtenances thereunto belonging, situated in the borough of Orwigsburg aforesaid, to have and to hold the same in trust, only and for the use and purpose of having occupied and used said buildings and grounds, as an academy or seminary of literature for the instruction and education of youths.

Commissioners to release building and ground in Orwigsburg, to said borough.

SECTION 6. That so much of the existing law or laws of this commonwealth, as are altered or supplied by this act, be and the same are hereby repealed.

WILLIAM F. PACKER,  
*Speaker of the House of Representatives.*

WM. WILLIAMSON,  
*Speaker of the Senate.*

APPROVED—The eighth day of March, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

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No. 101.

## AN ACT

To open a public alley in the city of Lancaster.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the select and common councils of the city of Lancaster are hereby open an alley.

Authorities of Lancaster city to

authorized, empowered and directed, to cause the street commissioner of said city, as soon as conveniently can be done after the passage of this act, to open to any width, not exceeding twenty feet, a public alley as near midway as practicable, between Manor and High streets, from Strawberry alley to another public alley running from said Manor street to said High street, parallel to, and with said Strawberry alley, in said city of Lancaster.

Power of court in assessing damages.

Proviso.

SECTION 2. The court of quarter sessions of Lancaster county, on the petition of any owner of any lot or land through which the said alley shall be opened, representing that he or she has sustained damage thereby, shall appoint six free holders of said city to view the premises and adjudge the amount of damage (if any) sustained, taking into consideration the probable advantages of the said alley to the complainant; and the said amount shall be paid, after being approved by the court, out of the city treasury: *Provided*, That the said viewers shall, each of them, before they proceed to assess the said damages, take an oath or affirmation before some judge or alderman, justly and truly to value the same, and to consider the advantages, as well as disadvantages, of the opening of the said alley to the complainant.

WILLIAM F. PACKER,  
*Speaker of the House of Representatives.*

WM. WILLIAMSON,  
*Speaker of the Senate.*

APPROVED—The eighth day of March, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

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No. 102.

## AN ACT

To increase the width of certain streets, for the accommodation of market houses, in the city of Philadelphia.

To increase width of street.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same*, That whenever the select and common councils shall agree to erect a market house or market houses in any of the public streets between Schnylkill Fifth and Ashton streets, and between Spruce and Cedar streets, in the city of Philadelphia, the width of the street in which such market house or market houses shall be so agreed to be erected, shall be increased to ninety feet, for so much in length as may be required to accommodate the said market house or market houses.

Damages, how assessed and paid.

SECTION 2. That the damages, if any should be sustained, in widening and opening the said street or streets, the same shall be paid by the city of Philadelphia, and shall be assessed in the same manner as dam-

ages are, that are paid out of the treasury of Philadelphia county, under the existing road laws of this commonwealth.

WILLIAM F. PACKER,  
*Speaker of the House of Representatives.*

WM. WILLIAMSON,  
*Speaker of the Senate.*

APPROVED—The eighth day of March, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

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No. 103.

AN ACT

To authorize the executors of B. R. Morgan, to sell and convey certain real estate.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That the executors of the last will and testament of Benjamin R. Morgan, deceased, be and they are hereby authorized and empowered to sell and dispose of, and make good and perfect titles to all the lands, tenements and hereditaments situate in Potter county, in the state of Pennsylvania, whereof the said Benjamin R. Morgan died seized, or the titles to which were vested in him at the time of his decease, as fully and effectually, to all intents and purposes, as he could do if he were living: Provided, That all contracts for the sale of any portion of said lands heretofore made with any persons who have entered into the possession thereof, or contracted therefor, shall be fully complied with.*

WILLIAM F. PACKER,  
*Speaker of the House of Representatives.*

WM. WILLIAMSON,  
*Speaker of the Senate.*

APPROVED—The tenth day of March, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

No. 104.

## A N A C T

To incorporate the president and managers of the Bybery and Bensalem turnpike road company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That*

Commissioners.

Israel Walton, George Ivins, Watson Comly, George Worthington, Thomas Carter, Silas Tomlinson, James Thornton, Charles Wamsley and Jonathan T. Knight, of Philadelphia county, and James Townsend, Jonathan Ridge, Abraham Larrue, John Wildman, Pearson Mitchell, Joseph Vansant and Thomas Blakey, of Bucks county, be and they are hereby appointed commissioners to do and perform the several things hereinafter mentioned, that is to say, they shall, on or before the first Monday in September next, procure two books, and in

Form of subscription.

each of them enter as follows:—"We whose names are hereunto subscribed, do promise to pay the president and managers of the Bybery and Bensalem turnpike road company, the sum of twenty-five dollars for every share of stock set opposite to our respective names, in such manner and proportions, and at such times as shall be determined by the president and managers of said company, in pursuance of an act of the general assembly of this commonwealth, entitled 'An Act to incorporate the president and managers of the Bybery and Bensalem turnpike road company.' Witness our hands the            day of            ,

Open books.

in the year of our Lord one thousand eight hundred and forty-eight;" and thereupon shall give notice in two papers, printed in the county of Bucks, for at least three insertions, when and where the said books shall be open to receive subscriptions for the stock of the said company; at which time and places one of said commissioners shall attend, and permit and suffer all persons of lawful age, who shall offer to subscribe in said books, in their own names, or in the name or names of any other person who shall duly authorize the same, for any number of shares of said stock; and the said books shall be kept open respectively, for the purpose aforesaid, at least six hours in every juridicial day, for

Number of shares

the space of three days, or until the said books shall have two hundred shares therein subscribed; and if at the expiration of the said three days, the books aforesaid shall not have the said number of two hundred shares therein subscribed, the commissioners, respectively, may adjourn from time to time, and transfer the said books from place to place, until the whole number of shares shall be subscribed; of which adjournment and transfer, the commissioners shall give such public notice as the occasion may require; and when the whole number of shares subscribed shall amount to two hundred, the same shall be closed:

Proviso

*Provided always,* That every person offering to subscribe in said books in his own, or any other name, shall previously pay to the attending commissioner or commissioners, the sum of one dollar for every share to be subscribed, out of which shall be defrayed such incidental charges and expenses, as may be necessary for taking such subscription, and the remainder shall be paid over to the treasurer of the corporation, as soon



as the same shall be organized, and the officers chosen as hereinafter mentioned.

SECTION 2. When ten persons or more shall have subscribed twenty-five shares of the said stock, said commissioners respectively may, or when the whole number of shares aforesaid shall be subscribed, they shall certify, under their hands and seals, the names of the subscribers, and the number of shares subscribed by each, to the governor of this commonwealth; whereupon it shall and may be lawful for the governor, by letters patent under his hand and the seal of the state, to create and erect the subscribers, and if the subscription be not full at the time, then also those who shall afterwards subscribe to the number aforesaid, into one body politic and corporate, in deed and in law, by the name, style and title of "the president and managers of the Bybery and Bensalem turnpike road company;" and by the said name, the said subscribers shall have perpetual succession, and all privileges and franchises incident to a corporation, and shall be capable of taking and holding the capital stock, and the increase and profits thereof, and of enlarging the same from time to time, by new subscriptions, in such manner and form as they shall think proper, if such enlargement shall be found necessary to fulfil the intent of this act; and of purchasing, taking and holding to them, their successors and assigns, and selling, transferring and conveying in fee simple, or for any less estate, all such lands, tenements, hereditaments and estates, real and personal, as shall be necessary to them in the prosecution of their works, and of suing and being sued, and of doing all and every other matter and thing which a corporation or body politic may lawfully do. Letters patent.  
Style.  
Privileges.

SECTION 3. The commissioners aforesaid, as soon as conveniently may be after the said letters patent shall be sealed and obtained, shall give public notice in two or more public papers printed in the county of Bucks, of a time and place by them to be appointed, not less than twenty-one days from the time of the first notice; at which time and place the said subscribers shall proceed to organize the said corporation, and shall choose, by a majority of votes of the subscribers, by ballot, in person, seven managers, who shall elect a president, treasurer, and such other officers as may be necessary to conduct the business of said company until the first Monday in December next, and until such other managers shall be chosen; and shall and may make such by-laws, orders and regulations, not inconsistent with the constitution and laws of this commonwealth or of the United States, as shall be necessary for the well ordering of the affairs of said company: *Provided*, That no person shall have more than ten votes at any election, or in determining any question arising at any such meeting, whatever number of shares he may be entitled to; and that each person shall be entitled to one vote for every share held by him under that number. Organization.  
Proviso.  
Votes.

SECTION 4. The said company shall meet on the first Monday in December in every year, at such place as shall be fixed on by their by-laws, for the purpose of choosing such other managers for the ensuing year, in manner aforesaid, and at such other times as they may be summoned by the managers, in such manner and form as shall be prescribed by the by-laws of the company; at which annual or special meetings they shall have power and authority to make, alter or repeal, by a majority of votes, in manner aforesaid, all such by-laws, rules and regulations, made as aforesaid, and to do and perform any other corporate act. Annual meeting.

SECTION 5. The president and managers first to be chosen as aforesaid, shall issue certificates of stock to the subscribers severally respectively, signed by the president, and countersigned by the treasurer of Certificates of stock.

**Transferable.** the said company; which certificate shall be transferable at his or her pleasure, in person or by attorney, subject, however, to the payment due, and that may become due thereon; and the assignee holding any certificate, having first caused the assignment or transfer to be entered in a book of the company, to be kept by the treasurer for that purpose, shall, for every share of stock so held by him or her, be entitled to his or her equal proportion of the said capital stock, and of all the estates and emoluments of the company as aforesaid, at the meeting thereof.

**Instalments, how payable.** **SECTION 6.** If after thirty days' notice in two or more of the public newspapers in the county of Bucks, of the time and place appointed for the payment of any proportion or dividend of the said capital stock, in order to carry on the work, any stockholder shall neglect to pay any such proportion or dividend at the place appointed, for thirty days after the time so appointed, every such stockholder, or his assignee, shall, in addition to the dividends so called for, pay at the rate of two per cent. per month for delay of such payment; and if the same and the additional penalty shall remain unpaid for the space of six months, the same shall be forfeited to the said company, and may be sold to any person or persons willing to purchase, for such price as can be obtained for the same; or the president and managers may, at their election, cause suits to be brought against such delinquent stockholder, in the same manner as debts of like amount are now recoverable by law, for the recovery of the same, together with the penalties aforesaid.

**Quorum.** **SECTION 7.** The said president and managers shall meet at such times and places as shall be ordained by their by-laws, and when met, five members shall form a quorum, who, in the absence of the president, may choose a chairman, and shall keep minutes of all their transactions, fairly entered in a book; and a quorum being formed, they shall have power and authority to appoint all such surveyors, engineers, superintendents and other artists and officers as they shall deem necessary to carry on their intended works, and fix their salaries and wages, to ascertain the times when, and manner and proportion in which, the stockholders shall pay the moneys due on their respective shares, in order to carry on the work; to draw orders on the treasurer for moneys necessary to pay the salaries or wages of persons by them employed, and for labor done and materials provided in the prosecution of the work; which order shall be entered on the book of minutes, and shall be signed by the president, or in his absence, by the chairman, and countersigned by their secretary; and generally to do all such other acts, matters and things, as by this act, and the by-laws, rules and regulations of the company, shall be committed to them.

**Location of road.** **SECTION 8.** The said road shall commence at the intersection of the Attleborough and Bustleton road with the Bustleton and Sommerton turnpike road, in the county of Philadelphia, and be continued along the bed of the first named road, through the townships of Moreland and Bybery, to the Bucks county line; thence through the township of Bensalem, to the Bloomville bridge over the Neshomony.

**Width of road.** **SECTION 9.** The president and managers and company shall cause a road to be laid out of not less than forty feet in width, in such a manner as not to injure any of the present buildings on the route, and at least sixteen feet thereof be made good and substantial turnpike road, to secure a firm, and as near as the materials will admit of, an even surface, and in no place rise or fall more than will form an angle of five degrees with a horizontal line, and shall forever after maintain and keep the same in good and perfect order from the place of beginning to termination thereof; and the president and managers and company shall

have power to erect permanent bridges over all the waters crossing the said road. And it may be lawful for the said president and managers, by and with their superintendents, workmen, their tools, implements, carts, wagons and beasts of draught or burden, to enter in and upon the lands contiguous and near to which the said road shall be made or constructed, first giving notice of their intention to the occupiers thereof, and doing as little damage thereto as possible, and making amends for damages upon a reasonable and equitable agreement by the parties; or if they cannot agree thereupon, a just and equitable assessment to be made, upon oath or affirmation, by three disinterested freeholders, or any two of them, to be mutually chosen; or if either party, upon due notice, shall neglect or refuse to join in the choice, then to be chosen by a justice of the peace within the county wherein the land lies, who shall not be interested therein; and upon the tender of the assessed value, to dig or cut, and carry away, any timber, stone, sand, earth or other materials necessary or suitable for making said road: *Provided*, That no part of this act shall authorize the taking of any property, unless the same be previously paid for, or adequate security given to the owners for the payment thereof; *And provided further*, That if either party is dissatisfied with the award made by the freeholders chosen as aforesaid, an appeal may be taken, within thirty days, to the court of common pleas of the proper county.

Enter upon lands

Assessment of damages.

Proviso.

SECTION 10. So soon as the said president, managers and company shall have perfected the said road the distance of two miles, and also when they have completed the remainder of the distance, they shall give notice thereof to the governor of the commonwealth, who shall thereupon forthwith nominate and appoint three disinterested persons, to view and examine the same, and report to him, in writing, whether the said road is so far executed in a masterly and workmanlike manner, according to the true intent and meaning of this act; and if their report shall, in either case, be in the affirmative, then the governor shall, by license, under his hand and the lesser seal of the commonwealth, permit and suffer the said president, managers and company to erect and fix so many gates upon and across the said road as will be necessary and sufficient to collect the toll and duties hereinafter granted to the said company, from all persons traveling on the same, with horses, cattle, carts and carriages: *Provided*, That all persons attending funerals or places of worship, and military parades, their horses and carriages, shall be exempt from payment of tolls in going to or returning therefrom.

Governor to appoint viewers.

License.

Proviso.

SECTION 11. When the said company is licensed in manner aforesaid, it shall and may be lawful for them to appoint such and so many toll-gatherers as they shall think proper, to collect and receive, of and from all and every person or persons using the said road, the tolls and rates hereinafter mentioned, and to stop any person riding, leading or driving any horses, cattle, hogs, sheep, coach, coachee, sulkey, chair, chaise, phaeton, cart, wagon, wains, sleigh, sled, or any other carriage of burden or pleasure, from passing through the said turnpike, until they shall respectively have paid the same, that is to say: For every five miles in length of the said road, completed and licensed as aforesaid, the following sums of money, and so in proportion for any less distance, or for any less or greater number of sheep, hogs or cattle, to wit: For every score of hogs, six cents; for every score of sheep, six cents; for every score of cattle, twelve cents; for every horse and his rider, or led horse, three cents; for every sulkey, chair or chaise, with one horse and two wheels, six cents; and with two horses, nine cents; for every chariot, coach, phaeton or dearborn, with one horse and four wheels,

Toll-gatherers.

Tolls.

eight cents; for every chariot, coach, phaeton or chaise, with two horses and four wheels, twelve cents; for either of the carriages last mentioned, with four horses, twenty cents; for every other carriage of pleasure, under whatever name it may go, the like sums, according to the number of wheels and horses drawing the same; for every stage wagon, with two horses, twelve cents; and for every such wagon, with four horses, twenty cents; for every sleigh, three cents for each horse drawing the same; and for every sled, two cents for each horse drawing the same; and for every cart or wagon, whose wheels shall not exceed four inches, six and a quarter cents for each horse drawing the same; and for every cart or wagon, whose wheels shall exceed four inches, and not exceed seven inches, three cents; and if any person or persons shall represent to the said company, or any of their officers, that he, she or they have traveled a less distance than he, she or they have actually traveled along said road, with intent to defraud said company of its toll, or any part thereof, such person or persons shall, for every such offence, forfeit and pay, to the use of the said company, the sum of five dollars; and if any toll-gatherer shall demand and receive toll for a greater distance than the person of whom such toll is demanded shall have traveled along the said turnpike road, or shall demand and receive greater toll from any person or persons than such toll-gatherer is authorized to demand and receive, by virtue of this act, such toll-gatherer shall forfeit and pay the sum of five dollars, for every such offence, to the use of the poor of the township in which the said forfeiture is incurred, and for the payment of which the said company shall be responsible.

Frauds, how  
punishable.

SECTION 12. All such carriages as aforesaid, to be drawn by oxen in the whole, or partly by oxen, of which two shall be estimated as equal to one horse, in charging all the aforesaid tolls, and every mule as equal to one horse.

Tolls.

SECTION 13. If the said company shall neglect to keep the said road in good and perfect order, for the space of ten days, and information thereof shall be given to any justice of the peace of the neighborhood, within the county where the repair ought to be made, such justice shall issue a precept, to be directed to any constable, commanding him to summon three disinterested persons, to meet at a certain time in said precept to be mentioned, at the place in the said road which shall be complained of, of which meeting notice shall be given to the keeper of the gate, on the turnpike nearest thereto, within the said county; and the said justice, at such time and place, on the oaths or affirmations of the said persons, inquire whether the said road, or any part thereof, is in such good and perfect order and repair as aforesaid, shall cause an inquisition to be made, under the hands of himself and a majority of the said persons; and if the said road shall be found by the said inquisition to be out of order and repair, contrary to the true intent and meaning of this act, the said justice shall certify and send one copy of the said inquisition to each of the keepers of the gates, on said turnpike, between which such defective place shall be; and from thenceforth the tolls, hereby granted to be collected at such turnpike gate, shall cease to be demanded, paid or collected, until the said defective part or parts of the said road shall be put in good and perfect order and repair as aforesaid; and if the same shall not be so put into good and perfect order, before the next general court of quarter sessions of the peace, to be held for the county in which the defect is proved to be, the aforesaid justice shall certify and send a copy of the inquisition aforesaid to the justices of the said court, and the said justices shall thereupon cause process to issue and bring in the body of the person or

Proceedings to  
keep the road in  
order and repair.

persons entrusted by the company with the care and superintendence of such part of the said road as shall be so found defective, and shall proceed thereon as in cases of supervisors of the highways, for neglect of their duty; and if the person or persons, entrusted by the said company, shall be convicted of the offence by the said inquisition charged, the said court shall give judgment, according to the nature and aggravation of the neglect, as according to right and justice would be proper in the case of supervisors of the highways neglecting their duties; and the fines and penalties, so to be imposed, shall be recovered in the same manner as fines for misdemeanors are usually recovered in the said court, and shall be paid to the supervisors of the highways of the township wherein the offence was committed, be applied to repairing the public roads within such township.

SECTION 14. If any person or persons whosoever, owning, riding in or driving any sulky, chair, chaise, phaeton, cart, wagon, wain, sleigh, sled, or other carriage of burden or pleasure, riding or leading any horse, mule, mare or gelding, or driving any hogs, sheep or other cattle, shall therewith pass through any private gate or bars along, or over any private gate and bars, or along or over any passage way or other ground near to, or adjoining any turnpike or gate erected, or which shall be erected in pursuance of this act, with an intent to defraud the company, and avoid the payment of toll or duty for passing through any such gate or turnpike; or if any person or persons shall, with such intent, take off, or cause to be taken off, any horse, mule, mare or gelding, or other cattle from any sulkey, chair, chaise, phaeton, cart, wagon, wain, sleigh, sled, or other carriage of burden or pleasure, or practice any other fraudulent means or device, with the intent that the payment of any such toll or duty may be evaded or lessened, all and every person or persons, in all or every or any of the ways or means aforesaid offending, for every such offence shall, respectively, forfeit and pay to the president and managers and company of the Bybery and Bensalem turnpike road, any sum not exceeding ten dollars, to be sued for and recovered with costs of suit, before any justice of the peace, in like manner, and subject to the same rules and regulations, as debts of a similar amount are by law sued for and recovered: *Provided always*, Frauds upon the company punished. Proviso. That if any person or persons shall be prosecuted under this section of this act, and said prosecution shall not be sustained on the part of the prosecutors, then and in that case the person or persons prosecuted as aforesaid, shall receive from the company the sum of ten dollars, in lieu of damages arising from delay and a vexatious prosecution, recoverable as other fines under this act.

SECTION 15. The president and managers of the said company shall keep fair and just accounts of all moneys received by them from the said commissioners, and from the subscribers to the said undertaking, on account of the several subscriptions, and of all penalties for the delay of payment thereof, and the amount of profits on the shares which may be forfeited as aforesaid; also all moneys by them expended in the prosecution of their work; and shall, once at least in every year, submit such accounts to a general meeting of the stockholders, and whenever it shall be found that the said capital stock will be insufficient to complete the said road, according to the true intent and meaning of this act, it shall and may be lawful for the said president, managers and company, at a stated or special meeting, to be convened according to the provisions of this act, or their own by-laws, to increase the number of shares to such an extent, as shall be deemed sufficient to accomplish the work; and to receive and demand the moneys subscribed for such shares in like manner, and like penalties, as are hereinbefore pro- Accounts.

vided for the original subscription, as shall be provided for by their by-laws.

Dividends.

SECTION 16. The said president and managers and company, shall also keep a just and true account of all and every of the moneys received by their several and respective collectors of tolls, at the several and respective gates or turnpikes on the said road, from the beginning to the end thereof; and shall make and declare a dividend, and when such dividends shall exceed twelve per cent. per annum, then one-half of the surplus exceeding twelve per cent. to be paid into the state treasury, for the benefit of the education fund, which abstract shall be verified by the oath or affirmation of the president or treasurer of said company; the clear profits and income thereof, all contingent costs and charges being first deducted among all the subscribers to the said company's stock; and shall on the first Mondays in November and May in every year, publish the half yearly dividend made of the said clear profits among the stockholders, and of the time and place, when and where the same will be paid, and shall cause the same to be paid accordingly.

Traveling regulated.

SECTION 17. All wagoners and drivers of carriages of all kinds, whether of burden or pleasure, using said road, shall, (except when passing by a carriage of slower draught,) keep their horses and carriages on the right hand side of said road, free and clear for other carriages to pass and repass; and if any driver shall offend against this provision, he shall forfeit and pay any sum not exceeding two dollars, to any person who shall be obstructed in his passage, as will sue for the same, to be recovered, with costs, before any justice, in the same manner as debts of like amount are by law recoverable; and no wagoner, or driver of carriages of any kind, whether of burden or pleasure, using said road, shall pass any vehicle going in the same direction, in a faster gait than a trot, at a rate not exceeding ten miles per hour, under a penalty of twenty dollars for each offence, recoverable before any justice of the peace, one-half to the use of said company, and the other half to the use of the informant.

When privileges to revert to the commonwealth.

SECTION 18. If the said company shall not proceed to carry on the said work within five years after the passage of this act, or shall not within ten years afterwards complete the said road according to the true intent and meaning of this act, then in either of those cases, all and singular the rights, liberties and privileges and franchises hereby granted to the company, shall revert to this commonwealth.

Subscription on the part of supervisors of townships.

SECTION 19. That the supervisor of the township of Moreland shall pay to the said president and managers of the Bybery and Bensalem turnpike road company, two hundred dollars at their taking possession of the road, or subscribe for four hundred dollars worth of stock, to be determined on by a majority of votes of the inhabitants, either at the ensuing spring election, or at a special election, called after the passage of this bill, for that purpose; for which twenty days' notice shall be given, by at least ten advertisements, put up in the most public places in the townships; also the supervisors of the townships of Bybery and Bensalem, shall each pay five hundred dollars, or subscribe, each, for one thousand dollars worth of stock, to be determined on as above mentioned.

WILLIAM F. PACKER,

*Speaker of the House of Representatives.*

WM. WILLIAMSON,

*Speaker of the Senate.*

APPROVED—The tenth day of March, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

## No. 105.

## A FURTHER SUPPLEMENT

To the several acts heretofore passed relative to the Union canal company of Pennsylvania.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the nominal or par value of each share of stock of "The Union canal company of Pennsylvania," shall hereafter be fifty dollars; and for every share of the stock now existing, the holders or holder thereof shall be entitled to receive, in lieu of the same, four shares of stock, at the new par value; and the holders of the fractional parts of a share, at the old par value, shall be entitled to receive, in lieu thereof, certificates of stock at the reduced par value, to such extent as their fractional part will allow. Par value of stock reduced.

SECTION 2. That the annual meeting of the stockholders of said company shall hereafter be on the first Tuesday of February in each and every year. Annual meeting.

SECTION 3. That so much of the several acts passed relative to said company, as are hereby altered or supplied, be and the same are hereby repealed. Repeal.

WILLIAM F. PACKER,  
*Speaker of the House of Representatives.*

WM. WILLIAMSON,  
*Speaker of the Senate.*

APPROVED—The tenth day of March, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

## No. 106.

## AN ACT

Defining the place for keeping the records of the deputy surveyor, of the county of Butler.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That from and after the first day of July next, it shall be the duty of the deputy surveyor of the county of Butler, by himself, or by his deputy

duly authorized, to deposit and keep at an office within the county seat of said county, all the records, books, surveys, warrants and other papers pertaining, or which may hereafter pertain to his office, except the one unfinished book in which he may, from time to time, be entering the last current surveys, until the same be completed; and all of said records shall be kept open, at all reasonable times, for the inspection of any citizen.

WILLIAM F. PACKER,  
*Speaker of the House of Representatives.*

WM. WILLIAMSON,  
*Speaker of the Senate.*

APPROVED—The tenth day of March, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

No. 107.

## AN ACT

To exempt the Kensington burial ground, and the real estate of the Southern dispensary, from taxation.

Exempt from  
taxation.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* from and after the passage of this act, the lot of ground in the district of Kensington, in the county of Philadelphia, granted and conveyed by the heirs of Anthony Palmer, to certain trustees, as and for a free and public place of burial for all the christian inhabitants of the said district, together with such additions thereto, and improvements thereon, as the said trustees may deem necessary to be purchased, or made in the faithful execution of their trust, shall be exempted and discharged from taxation or assessment for state, county, poor or corporation purposes.

Southern dispensary  
exempt from  
taxation.

SECTION 2. That the real estate of the Southern dispensary, situate in the district of Southwark, and county of Philadelphia, be and the same is hereby exempted from state, county, poor and corporation taxes, so long as the said real estate shall be owned by the said Southern dispensary.

WILLIAM F. PACKER,  
*Speaker of the House of Representatives.*

WM. WILLIAMSON,  
*Speaker of the Senate.*

APPROVED—The tenth day of March, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.



No. 108.

## AN ACT

To authorize the trustees of the Associate Reformed church and congregation of the city of Philadelphia, to sell certain real estate.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That it shall and may be lawful for Robert Dunlap, Samuel C. Huey, James Moore, Matthew Fife, William K. Hemphill and William Taylor, trustees of the Associate Reformed church and congregation of the city of Philadelphia, and their successors in office, and they, the said trustees and their successors, are hereby authorized and empowered, at any time or times hereafter, when they may be for that purpose required and directed by said congregation, in due form, to sell and dispose of in fee simple, by public or private sale, and for cash or on credit, the whole or any part of the lot of ground, church and premises, situate on the west side of Thirteenth street, in said city, near Market or High street, containing about seventy-five feet, more or less, on said Thirteenth street, by about fifty feet, more or less, in depth westward, being the premises which they now use and occupy, and which Margaret Duncan, late of said city, deceased, by will, bearing date of the fifth day of December, Anno Domini, one thousand eight hundred and one, duly registered in the office of the register of wills for the county of Philadelphia, devised in trust for the use of such congregation of persons as should belong to the Reformed synod, to which the reverend Robert Annon's church, in Spruce street, in said city belouged; and the same to convey and assure, by good and valid deeds and assurances in law, to the purchaser or purchasers of the same, without responsibility on the part of him or them the said purchaser or purchasers, for the proper use or application of the purchase money, and wholly freed and discharged from the trust in said will declared, and generally and fully from all trust, limitation and restraint whatever; and the proceeds of said sale or sales shall be, at all times, held and applied by said trustees and their successors, for the use, and subject to the directions of said Associate Reformed church and congregation of the city of Philadelphia: *Provided,* That said proceeds of sale shall, at no time, or in no way, be applied or disposed of contrary to the intent or object of the will of the said Margaret Duncan, deceased. Power to sell. Proviso.

WILLIAM F. PACKER,  
*Speaker of the House of Representatives.*

WM. WILLIAMSON,  
*Speaker of the Senate.*

APPROVED—The tenth day of March, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

No. 109.

A SUPPLEMENT

To an act, entitled “ An Act erecting the village of Orrstown, in the county of Franklin, into a borough,” approved the sixth day of March, one thousand eight hundred and forty-seven.

School districts.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the said borough of Orrstown be attached to the township of Southampton, so far as regards forming a sub-school district, and that the said borough and township aforesaid, form one school district.

WILLIAM F. PACKER,  
*Speaker of the House of Representatives.*

WM. WILLIAMSON,  
*Speaker of the Senate.*

APPROVED—The tenth day of March, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

No. 110.

AN ACT

To incorporate the Augustinian college of Villa Nova, in the county of Delaware, and state of Pennsylvania.

College estab-  
lished.

Style.

Trustees.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That there be and hereby is erected and established at Villa Nova, in the county of Delaware, in this commonwealth, a college for the education of persons in the various branches of science, literature, and ancient and modern languages, by the name, style and title of “The Augustinian college of Villa Nova, in the state of Pennsylvania.”

SECTION 2. The said college shall be under the management, direction and government of seven trustees, who shall appoint a president and faculty; and a majority of said trustees shall be a quorum, and competent to fill vacancies in their own body, and to prescribe the duties authorized and required to be performed by said president and faculty: *Provided,* That no one shall at any time be a trustee, unless

a member of the Roman Catholic church, a citizen of the United States, and conforming to the rules and discipline of said church.

SECTION 3. The first trustees of said college shall consist of the following persons: John P. O'Dwyer, William Harnett, James O'Donnell, Edward M. Mullen, Francis Patrick Kenrick, William A. Stokes, and Daniel Barr; which said trustees, and their successors to be appointed as often as occasion may require by said trustees, shall be forever hereafter, and they are hereby erected into and declared to be a body politic and corporate with perpetual succession, and with all the incidents to a corporation, in deed and in law, to all intents and purposes whatsoever, under the name, style and title of "The Augustinian college of Villa Nova, in the state of Pennsylvania," by which name and title the said John P. O'Dwyer, William Harnett, James O'Donnell, Edward M. Mullen, Francis Patrick Kenrick, William A. Stokes, and Daniel Barr, and their successors, shall be able and capable, at law and in equity, to take to themselves and their successors, for the use of the said college, any estate in any messuages, lands, tenements, hereditaments, goods, chattels, moneys, or other effects, by gift, grant, bargain, sale, conveyance, assurance, will, devise or bequest, of any person or persons, or corporation whatsoever: *Provided*, The annual income of the same, exclusive of the income from students, does not exceed the yearly value of five thousand dollars; and the same messuages, lands, tenements, hereditaments and estates, real and personal, to grant, bargain, sell, convey, assign, demise, and to farm, let and place out on interest or otherwise dispose of, or invest for the use of the said college, in such manner as to them shall seem most beneficial for the said college, and to receive the rents, issues, profits and income of the same, and to apply the same to the proper use of said college; and by the same name to sue, commence actions, prosecute and defend, implead and be impleaded in any courts of law and equity, and in all manner of suits and actions whatsoever; and generally by and in the corporate name, style and title aforesaid, to do and transact all and every business, the education of youth and others, and the management of the house and farm, and the members thereon living or therewith connected, or touching or concerning the premises, or which shall be in any manner incident thereto, as fully and effectually, as any natural person or body politic or corporate have power to manage their own concerns, and to hold, enjoy and exercise all such powers, authorities and jurisdictions as are held, enjoyed or exercised by any other university or college within this commonwealth.

First trustees.

Style.

Privileges.

Proviso.

SECTION 4. The said corporators may cause to be made, for their use, a common and corporate seal, with such devices and inscriptions thereon as they may deem proper, and by and with which all deeds, diplomas, certificates, appointments and acts of the said corporation shall pass and be authenticated, and the same seal at their pleasure to break, alter and renew.

Common seal.

SECTION 5. The corporators named in this act, or a majority of them, and their successors, or a majority of them, shall at all times constitute a quorum for the transaction of business. They shall have power to transact all business of the said college, and to exercise all the powers conferred by this act on the corporation, and of electing and removing officers, professors and residents, of appointing and authorizing a person or persons to carry into execution any resolution or business of the board, or to exercise any of the corporate powers, to attend to the duties of the college, and manage the affairs of the corporation.

Quorum.

Powers.

SECTION 6. The president and professors for the time being, of said college, shall have power to grant and confirm such degrees in the arts

Grant degrees.

and sciences, to such students of the college, and others, when by their proficiency in learning, professional eminence, or other meritorious distinction, they shall be entitled thereto, as they may see fit, or as are granted in other colleges or universities in the United States, and to grant to graduates or persons on whom such degrees may be conferred, diplomas or certificates, as is usual in colleges and universities.

Enact rules.

SECTION 7. The corporators, or a majority of them, and the president and professors, by the authority of the corporators, shall have power to make rules, laws and ordinances, and the same to alter and repeal, and to do everything needful for the support and government of the college: *Provided*, That the said rules, laws and ordinances, or any of them, be not in violation of the laws and constitution of the United States, or of the laws and constitution of the state of Pennsylvania.

Proviso.

Misnomer.

SECTION 8. No misnomer of the said corporation shall defeat or annul any gift, grant, conveyance, assurance, devise or bequest to the said corporation: *Provided*, That the intent of the parties shall sufficiently appear upon the face of the gift, grant, conveyance, assurance, devise, bequest or other writing whereby any estate or interest was intended to pass to the said corporation.

Proviso.

Reservation.

SECTION 9. That the legislature hereby reserve the right to alter, amend or annul the charter and privileges hereby granted, whenever, in their opinion, the same may be necessary for the public good; in such manner, however, that no injustice shall be done to the corporators.

Trustees appointed.

SECTION 10. The first trustees of said college shall consist of the following persons: John P. O'Dwyer, William Harnett, James O'Donnell, Edward M. Mullen, Francis Patrick Kenrick, William A. Stokes and Daniel Barr.

WILLIAM F. PACKER,  
*Speaker of the House of Representatives.*

WM. WILLIAMSON,  
*Speaker of the Senate.*

APPROVED—The tenth day of March, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

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No. 111.

## AN ACT

Authorizing the commissioners of the district of Penn, in the county of Philadelphia, to change the lines of Girard avenue.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That the commissioners of the district of Penn, be and they are hereby*

authorized to change the lines of Girard avenue to meet Franklin avenue, in the said district, in such manner as they may deem necessary; and when the lines of the said Girard avenue shall, by the said commissioners be changed, and the survey of the same be filed in the office of the clerk of the quarter sessions for the county of Philadelphia, the said survey shall be at once confirmed; and immediately thereafter, the said commissioners may open the said Girard avenue to the said Franklin avenue; and the damages, if any, accruing to the owners of property in the opening of said street, shall be assessed and paid as is provided by law for the opening of streets and roads in the county of Philadelphia.

WILLIAM F. PACKER,  
*Speaker of the House of Representatives.*

WM. WILLIAMSON,  
*Speaker of the Senate.*

APPROVED—The tenth day of March, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

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No. 112.

## A SUPPLEMENT

To the act of thirteenth April, one thousand eight hundred and forty-six, entitled  
“An Act to authorize Robert Stewart, esquire, and Edie Stewart, late of Huntingdon county, deceased, to convey certain real estate.”

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* William Dorris, guardian of Greenberry Dorsey and Henry P. Dorsey, *Power to sell.* minor children of Henry P. Dorsey, deceased, shall, during their minority, have power and authority to sell for cash or on credit, the whole or any part of the share or shares of said minors respectively, of or in any lands, tenements or hereditaments, in the counties of Huntingdon and Allegheny, to which the said minors are in anywise entitled or hold title, either through the last will and testament of their grandmother, Elizabeth Dorsey, deceased, or otherwise, or of which the said Henry P. Dorsey, father of said minors died seized, or wherein, at the time of his death, he was legally or equitably interested in severally or in common, or together with any other person or persons, if the orphans' court of Huntingdon county shall approve the same, and to convey the same to the purchaser or purchasers and their heirs, and give sufficient receipts and discharges for the purchase money: *Proviso.* *ded,* That the said guardian shall previously, in all cases, give security

to be approved by the said court, for the faithful and proper application of the proceeds of such sales.

WILLIAM F. PACKER,  
*Speaker of the House of Representatives.*

WM. WILLIAMSON,  
*Speaker of the Senate.*

APPROVED—The tenth day of March, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

### No. 113.

### A N A C T

To legalize and confirm the title to a certain tract of land in Fayette county.

Preamble.

WHEREAS, The sheriff of Somerset county, by virtue of a writ of fieri facias, issued out of the court of common pleas of said county, dated nineteenth February, Anno Domini one thousand eight hundred and forty-four, did levy upon a tract of land situate in said county of Somerset, warranted in the name of Charles Young, and by a writ of venditioni exponas, issued out of said court, dated twenty-ninth May, Anno Domini one thousand eight hundred and forty-four, did sell the said tract of land to Adam Dietz, and conveyed the same to him by deed, acknowledged twenty-third September, one thousand eight hundred and forty-four :

*And whereas,* Between the time of the levy and sale of said tract of land, to wit: in the month of May, one thousand eight hundred and forty-four, the line was run between the counties of Somerset and Fayette, by commissioners appointed for that purpose, by act of assembly, approved seventeenth April, one thousand eight hundred and forty-four, which line so altered or changed from the line before that time believed to be the boundary of said county, as to locate said tract of land in the county of Fayette: therefore,

Title confirmed.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the title of Adam Dietz, in and to the above described tract of land, is hereby confirmed as fully and effectually as if the same had been situate in Somerset county at the time the sheriff sold and conveyed it to him.

WILLIAM F. PACKER,  
*Speaker of the House of Representatives.*

WM. WILLIAMSON,  
*Speaker of the Senate.*

APPROVED—The tenth day of March, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

No. 114.

## AN ACT

Authorizing the administrators of John Fisher, of Centre county, to sell real estate.

WHEREAS, John Fisher, late of Centre county, deceased, by his last will and testament, bearing date June second, eighteen hundred and thirty, duly proved and filed of record in the register's office in Bellefonte, in said county, in and by which he directed that at the death of his wife, Elizabeth, his estate, both real and personal, be divided among his brothers and sisters, and the brothers and sisters of his wife: Preamble.

*And whereas,* In pursuance of the directions of said will, letters of administration cum testamento annexo, were by the register of wills of said county duly issued unto George Sheneberger and Jacob Kryder:

*And whereas,* The widow of said testator being now dead, and the powers in said will not being sufficient to enable and authorize the said administrators to sell the real estate of said deceased, and comply with the directions of the said will, relating to the distribution of the proceeds thereof; therefore,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That George Sheneberger and Jacob Kryder, administrators cum testamento annexo of John Fisher, late of Centre county, deceased, be and they are hereby authorized to sell and convey the real estate of said John Fisher, deceased, either at public or private sale, as in their discretion they may think best, and apply the proceeds thereof, as is directed by the last will and testament of said deceased: *Provided,* That before this act shall become operative, the said administrators shall give security, to be approved by the orphans' court of Centre county, for the faithful application of the proceeds of the sale authorized by this act. Power to sell. Proviso.

WILLIAM F. PACKER,

*Speaker of the House of Representatives.*

WM. WILLIAMSON,

*Speaker of the Senate.*

APPROVED—The tenth day of March, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

No. 115.

## AN ACT

To confirm the title of Edward Conway to a certain lot of ground.

Preamble.

WHEREAS, John Smith, late of the district of Southwark, in the county of Philadelphia, lodging-house keeper, deceased, by his last will and testament, did inter alia give and devise to the trustees of the Roman Catholic society worshipping at the church of Saint Mary's, in the city of Philadelphia, by the name and style of the trustees of the chapel of Saint Mary, a certain two story wooden tenement and lot or piece of ground, situate on the west side of Third street, continued southward beyond the city of Philadelphia, (being the same lot or piece of ground which Jonathan Penrose, esquire, sheriff of the city and county of Philadelphia, by deed poll, bearing date the seventh day of February, Anno Domini one thousand seven hundred and ninety-nine, and acknowledged in open court of common pleas, the ninth day of April, of the same year, granted and conveyed to the said John Smith, in fee,) and directed that the rents, issues and profits thereof, should be applied annually by the said trustees to the support of the poor of the said chapel:

*And whereas,* The said the trustees of the Roman Catholic society worshipping at the church of Saint Mary's, in the city of Philadelphia, by indenture, bearing date the thirtieth day of October, Anno Domini one thousand eight hundred and thirty-nine, recorded at Philadelphia, in the proper office, in deed book G S forty-five, page eighty-four, et cetera, bargained, sold and conveyed the said house and lot of ground to one Edward Conway, in fee, for the price or sum of eleven hundred dollars, and have invested the said purchase money for the purposes of the said trust:

*And whereas,* Doubts have arisen whether said trustees had, under the said will, any power or authority to make such sale and conveyance. For the purpose of confirming the title to the said premises in the said Edward Conway, his heirs and assigns; therefore,

Title confirmed.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the said Edward Conway, his heirs and assigns, shall have, hold and enjoy the said house and lot or piece of ground forever, freed and discharged from all and every trust created by said will, and in all respects as fully and amply as if full power and authority had been given in and by the said will, to the said the trustees of the Roman Catholic society worshipping at the church of Saint Mary's, to make said bargain, sale and conveyance.

WILLIAM F. PACKER,  
*Speaker of the House of Representatives.*

WM. WILLIAMSON,  
*Speaker of the Senate.*

APPROVED—The tenth day of March, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.



## No. 116.

## A SUPPLEMENT

To an act, entitled "An Act providing for the determination and settlement of claims for damages done by the construction of the Conneaut line of the Erie extension of the Pennsylvania canal."

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the canal commissioners be and they are hereby authorized and required to examine and assess all claims for damages done to private property, or work and labor done and service rendered to the commonwealth, in all cases, except where releases have been executed to the commonwealth, or where damages may have been paid by the commonwealth, or Erie canal company, on awards made by the canal commissioners or appraisers of damage, or upon compromise, on the feeder and Erie extension, Pennsylvania canal; and all such cases as have been heretofore examined by canal commissioners, and reported upon adversely, in which last named cases it shall be discretionary with the canal commissioners, whether they shall re-examine the same or not, and report the same to the legislature: *Provided*, That such examination shall be made in person on the premises, by at least two members of the board; and in assessing and determining such claims, said commissioners shall in all respects be governed by the provisions of the act to which this is a supplement: *Provided further*, That when such report shall have been passed upon by the legislature, the same shall be final and conclusive in all cases: *Provided further*, That the canal commissioners shall be entitled to be re-imbursed out of the contingent or canal fund, for any expenses they may actually incur in the performance of the duty imposed upon them by this act, and shall report and settle the same with their other accounts.

Canal commissioners to examine and assess damages on Erie extension, Pennsylvania canal.

Proviso.

Proviso.

Proviso.

WILLIAM F. PACKER,  
*Speaker of the House of Representatives.*

WM. WILLIAMSON,  
*Speaker of the Senate.*

APPROVED—The tenth day of March, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

No. 117.

## AN ACT

To locate a state road from Smicksburg, to intersect the Clarion and Cherrytree state road, at or near the house of William Riddle, Esq., in Indiana county.

- SECTION 1. Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same. That*
- Commissioners. That James Y. Brady, Henry Kinter, James H. M'Comb, Peter Riddle, Thomas Moore and Peter Brewer, be and they are hereby appointed
- Lay out road. commissioners to view, lay out and mark a state road from the village of Smicksburg, in the township of West Mahoning, in the county of Indiana, to intersect the Clarion and Cherrytree state road, at or near the house of William Riddle, in Montgomery township, in said county of Indiana; the said commissioners, after having been severally sworn or affirmed before a justice of the peace to perform the duties of their appointment with impartiality and fidelity, and shall view the ground between the points designated; and after having made careful examination of the same, having due regard to the shortest distance and best ground, shall proceed to lay out and mark the said road of the width of thirty-three feet, in such a manner as to enable the supervisors readily to find the same.
- Authority to vacate. *SECTION 2.* Said commissioners shall have authority to vacate so much of any road as may be supplied by the new one, if it should appear expedient so to do; and in case access to any branch or lateral road may be obstructed by vacating any part of roads so supplied, it shall be the duty of said commissioners to connect all such lateral or cross roads with the main line of road laid out by them.
- Enter upon duties. *SECTION 3.* Said commissioners shall enter on the duties of their appointments, as soon after the passage of this act, as practicable: they shall receive one dollar and fifty cents per day for every day they are engaged in the performance of their duties; and they shall have authority to employ one person at the same rate of compensation they receive, to take the levels and make the survey, and two persons as chain carriers at one dollar per day; which, together with the compensation allowed the commissioners, shall be paid out of the county treasury, by an order drawn on the county treasurer by the county commissioners.
- Compensation.
- Reports. *SECTION 4.* The said commissioners shall make out two reports, each accompanied with a draft of said road, carefully denoting the courses and distances, and the improvements through which it passes, the courses and distances of the parts vacated, one of which shall be deposited with the secretary of the commonwealth, and the other with the clerk of the court of quarter sessions of Indiana county, to be entered on record by him.
- Supervisors to open roads. *SECTION 5.* After the commissioners have fulfilled the duties of their appointment, and deposited the reports and drafts in the places designated by this act, it shall be the duty of the supervisors of the townships through which said road passes, to proceed to open the same: after said road has been opened, it shall be the duty of the supervisors

of the townships through which said road passes, to keep the same in repair, as other public roads are kept.

WILLIAM F. PACKER,  
*Speaker of the House of Representatives.*

WM. WILLIAMSON,  
*Speaker of the Senate.*

APPROVED—The tenth day of March, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

No. 118.

# AN ACT

Relative to the collection of taxes in new townships.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* in all cases where a new township has been, or hereafter shall be established in Lancaster county, and the proceedings shall thereafter be set aside by the supreme court, after the county taxes for the said new township shall have been assessed, such taxes shall be collected by a collector to be appointed by the commissioners of said county, in the same manner as if such proceedings had not been set aside.

New townships,  
Lancaster county,  
relative to collec-  
tion of taxes in.

WILLIAM F. PACKER,  
*Speaker of the House of Representatives.*

WM. WILLIAMSON,  
*Speaker of the Senate.*

APPROVED—The tenth day of March, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

No. 119.

## A SUPPLEMENT

To an act, entitled "An Act to appoint commissioners, for the purpose of keeping in good order and repair that part of the East and West state road west of Fayette Corners, in the county of M'Kean, and for other purposes," passed the twenty-fourth day of February, one thousand eight hundred and forty-seven, and relative to roads in Chester township, Delaware county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* so much of the act to which this is a supplement, as relates to the township of Corydon, be and the same is hereby repealed.

Repealed as to  
Corydon town-  
ship.

SECTION 2. That all sum or sums of moneys drawn from the said township of Corydon, or levied upon the said township, pursuant to the second section of the act to which this is a supplement, by the said special commissioners, shall be refunded to the commissioners of the township of Corydon aforesaid, by the commissioners of the county of M'Kean, out of any money or moneys, orders which may hereafter become payable to the said special commissioners, by virtue of the said act to which this is a supplement, on application of the said commissioners of Corydon township aforesaid.

Funds to be re-  
funded to com-  
missioners.

SECTION 3. That so much of an act, entitled "An Act granting certain powers to the authorities of the cities of Lancaster and Philadelphia, and for other purposes," and the several supplements passed thereto, so far as relates to the township of Chester, in the county of Delaware, be and the same is hereby repealed: *Provided*, No supervisor shall be elected for the said township in the year of eighteen hundred and forty-eight, (unless a vacancy should occur,) but they shall be authorized to elect one in eighteen hundred and forty-nine, to serve for two years, and so on annually, to elect one to serve for two years.

Certain road  
laws repealed so  
far as relates to  
Chester town-  
ship, Delaware  
county.

Proviso.

Election of super-  
visors.

WILLIAM F. PACKER,  
*Speaker of the House of Representatives.*

WM. WILLIAMSON,  
*Speaker of the Senate.*

APPROVED—The tenth day of March, one thousand eight hundred and forty-eight

FRS. R. SHUNK.

No. 120.

## AN ACT

Relative to supervisors in the county of Philadelphia, and relative to roads in Nether Providence township, Delaware county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That before any supervisor who may be hereafter elected in any of the townships of the county of Philadelphia, shall enter on the duties of his office, he shall be bound by recognizance with two or more sufficient securities, inhabitants of the said city or county, to be approved by the judges of the court of quarter sessions, in such amount as they shall deem proper and just, payable to the commonwealth in trust, for the use and benefit of all and every person who may be injured or aggrieved, by reason of the neglect, defalcation or other improper conduct of such supervisor, in the execution of the duties of said office. Supervisors, Philadelphia county to give security.

SECTION 2. That so much of an act, entitled "An Act granting certain powers to the cities of Philadelphia and Lancaster, and for other purposes," approved the sixteenth day of April, eighteen hundred and thirty-eight, and the supplement thereto, passed March eleventh, eighteen hundred and forty-two, as relates to the township of Nether Providence, in the county of Delaware, be and the same is hereby repealed. Supervisors and roads, in Nether Providence, Delaware county.

WILLIAM F. PACKER,  
*Speaker of the House of Representatives.*

WM. WILLIAMSON,  
*Speaker of the Senate.*

APPROVED—The tenth day of March, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

No. 121.

## AN ACT

Supplementary to the several acts relating to the borough of Frankford, in the county of Philadelphia.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That from and after the passage of this act, it shall be lawful for the citizens

Elect councilmen of the borough of Frankford, who are qualified agreeably to the constitution to vote for members of the general assembly, to elect annually, at the election held on the third Friday of March for judges and inspectors, nine suitable persons for councilmen, one suitable person for superintendent of highways, and one suitable person for high constable of said borough; and the officers conducting said election, shall cause a return thereof to be made on or before the Monday following, to the clerk of the court of quarter sessions of said county, and to the secretary of the council of said borough; and likewise cause a certificate of election to be given to each person elected as aforesaid.

Offices to expire on third Friday of March. SECTION 2. That the term of service of any and every person holding office in the borough aforesaid, as member of council, superintendent of highways, or high constable, shall expire on the Monday following the election on the third Friday in March aforesaid.

Repeal. SECTION 3. That so much of the act of assembly, passed March seventh, Anno Domini, one thousand eight hundred, incorporating said borough, and the several supplements thereto, as is hereby altered, amended or supplied, be and the same is hereby repealed.

WILLIAM F. PACKER,  
*Speaker of the House of Representatives.*

WM. WILLIAMSON,  
*Speaker of the Senate.*

APPROVED—The tenth day of March, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

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No. 122.

## AN ACT

Vacating that part of Vineyard and Charles street that lies west of Schuylkill Fourth, and that part of George street that lies west of Schuylkill Third street, in the district of Spring Garden, in the county of Philadelphia.

Preamble. WHEREAS, The streets of the district of Spring Garden have been extended through the plan or plot of the tract of land formerly called the Vineyard, and several of the streets formerly opened through the said tract by the owners thereof, have thereby become useless and burdensome; now therefore,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That Parts of Vineyard and George streets vacated. so much of Charles street and Vineyard street, in the village of Francisville, as lies west of Schuylkill Fourth street continued, and so much of George street, in said village, as lies west of Schuylkill Third street continued, as the same are now laid out and opened, shall be and the same are hereby vacated and laid aside forever; and the title to the Title to soil vested. soil, over which the said streets pass, is hereby vested in fee simple, in the several owners of the lots fronting on the said vacated streets re-

spectively, each owner to take the part opposite to his or her lot, by extending the lines of the said respective lots to the middle of the said streets so vacated.

WILLIAM F. PACKER,  
*Speaker of the House of Representatives.*

WM. WILLIAMSON,  
*Speaker of the Senate.*

APPROVED—The tenth day of March, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

No. 123.

### A SUPPLEMENT

To an act, entitled “An Act to incorporate the Gunners’ Run improvement company,” approved March fifteenth, one thousand eight hundred and forty-seven.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the provisions of the fifteenth section of the act, entitled “An Act to incorporate the Gunners’ Run improvement company,” approved March fifteenth, one thousand eight hundred and forty-seven, be and the same are hereby extended for the term of two years; and it shall also be lawful for said company to construct said canal to the river Delaware, by the best practicable route in the district of Richmond, or to a point on said river, north-eastward of Wood street: *Provided,* Said company shall have, enjoy and exercise all and singular the rights, privileges and powers, and be subject to all and singular the restrictions and penalties contained and provided in said act, for the construction of said canal, or any portion thereof, in the Kensington district; and so much of said act as is inconsistent herewith, is hereby repealed.

WILLIAM F. PACKER,  
*Speaker of the House of Representatives.*

WM. WILLIAMSON,  
*Speaker of the Senate.*

APPROVED—The tenth day of March, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

No. 124.

## AN ACT

To incorporate the Reliance fire engine company of Philadelphia.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That*

Incorporators.

all and every the persons that shall be, at the time of passing this act, members of the association called the "Reliance fire engine company of the city of Philadelphia," shall be and they are hereby enacted and declared to be one body politic and corporate, by the name, style and

Style.

title of "the Reliance fire engine company of the city of Philadelphia;" and by the same name shall have perpetual succession, and shall be

Privileges.

able to sue and be sued, implead and be impleaded in all courts of record or elsewhere; and also the said corporation and their successors, at all times hereafter, be able to purchase, receive, have, hold and enjoy, to them and their successors all, and all manners of lands, tenements, rents, annuities, liberties, franchises and other hereditaments, goods and chattels of whatsoever nature, kind or quality, real, personal or mixed, or choses in action, and the same from time to time sell, alien, grant, demise and dispose of: *Provided*, That the clear yearly value or income of the said corporation, shall not exceed two thousand dollars; and also to make and have a common seal, and the same to break and renew at pleasure; and also to ordain, establish, and put in execution such by-laws, ordinances and regulations as shall appear necessary and convenient for the government of the said corporation, not being contrary to the charter, or the constitution and laws of the United States, or of this commonwealth, and generally to do all and singular the matters and things which to them it shall lawfully appertain to do for the well being of the said corporation, and the due management and ordering the affairs thereof: *Provided also*, That said company shall at all times be under the control of such rules and regulations as may be, from time to time, adopted by the city corporation of Philadelphia, for the regulation of the fire department.

Proviso.

Proviso

Rights and interests not affected by the passage of this act.

SECTION 2. That nothing contained in this act shall in any wise affect, alter or diminish the rights and interests the said Reliance fire engine company has in the fire association of Philadelphia, but that the said Reliance fire engine company of the city of Philadelphia shall have, hold, possess and enjoy, under the name of the "Reliance fire engine company of the city of Philadelphia."

Limitation of power.

SECTION 3. Nothing in this act contained, shall be deemed to authorize the said company to engage, either directly or indirectly, in any banking, moneyed, commercial or manufacturing concern, or to act in any other way, other than as a fire company.

Reservation.

SECTION 4. The legislature reserves the power to alter, revoke or annul the privileges and charter hereby granted, whenever, in their opinion, the same may be injurious to the citizens of the common-



wealth, in such manner, however, that no injustice shall be done the corporators.

WILLIAM F. PACKER,  
*Speaker of the House of Representatives.*

WM. WILLIAMSON,  
*Speaker of the Senate.*

APPROVED—The tenth day of March, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

No. 125.

## AN ACT

To annul the marriage contract of Edward Johnson and Ruth P., his wife.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the marriage contract entered into by and between Edward Johnson and Ruth P., his wife, be and the same is hereby annulled and made void, and the parties released and discharged from the said contract, and from all duties and obligations arising therefrom, as fully and effectually and absolutely, as if they never had been joined in marriage. Dividend.

SECTION 2. The custody and education of the surviving child of said marriage, Jane Brinton Johnson, shall be and remain with her mother, the said Ruth P. Johnson, with power to appoint a testamentary guardian in case of her death, during the minority of such child: *Provided always,* That nothing in this act shall be so construed, as to deprive said child of any rights or privileges it would have enjoyed, had such marriage contract not been annulled; and it is hereby expressly enacted and declared, that the said child, Jane Brinton Johnson, shall have and enjoy every right and privilege, as though the said marriage had always been, and still continued valid and effectual in law. Custody and education of child to be in the mother.

SECTION 3. The property originally belonging to the said Ruth P. Johnson, the wife, at the time of the said marriage, consisting of choses in action not reduced to possession, now in the hands of a committee of the said Edward Johnson, under a special order of the court of common pleas of the county of Philadelphia, is hereby restored to the said Ruth P. Johnson. Property of wife restored.

WILLIAM F. PACKER,  
*Speaker of the House of Representatives.*

WM. WILLIAMSON,  
*Speaker of the Senate.*

APPROVED—The eleventh day of March, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.



expenses as may be necessary for taking such subscriptions and the remainder shall be paid over to the treasurer of the corporation as soon as the same shall be organized, and the officers chosen as hereinafter mentioned.

SECTION 2. When twenty persons or more shall have subscribed one hundred shares of the said stock, said commissioners respectively may, or when the whole number of shares aforesaid shall be subscribed, they shall certify under their hands and seals the names of the subscribers and the number of shares subscribed by each, to the governor of this Governor. commonwealth; whereupon it shall and may be lawful for the governor, by letters patent, under his hand and the seal of the state, to create and Letters patent. erect the subscribers, and if the subscription is not full at the time, then also those who shall afterwards subscribe to the number aforesaid, into one body politic and corporate, in deed and in law, by the name, style and title of "The president and managers of the Danborough and Style. Plumsteadville turnpike road company;" and by the said name the said subscribers shall have perpetual succession and all privileges and fran- Privileges. chises incident to a corporation, and shall be capable of taking and holding the capital stock, and the increase and profits thereof, and of enlarging the same from time to time, by new subscriptions, in such manner and form as they shall think proper, if such enlargement shall be found necessary to fulfil the intent of this act, and of purchasing, taking and holding to them, their successors and assigns, and selling, transferring and conveying in fee simple, or for any less estate, all such lands, tenements, hereditaments and estate, real and personal, as shall be necessary to them in the prosecution of their works, and of suing and being sued, and of doing all and every other matter and thing which a corporation or body politic may lawfully do.

SECTION 3. The commissioners aforesaid, as soon as conveniently may be after the said letters patent shall be sealed and obtained, shall give public notice in three or more public papers printed in the county of Bucks, of a time and place by them to be appointed, not less than twenty-one days from the time of the first notice; at which time and place the said subscribers shall proceed to organize the said corporation, Organization. and shall choose, by a majority of votes of the subscribers, by ballot, in person or by proxy duly authorized, one president, ten managers, one treasurer, and such other officers as may be necessary to conduct the business of said company until the first Saturday in December next, and until such other officers shall be chosen; and shall and may make such by-laws, orders and regulations not inconsistent with the constitution and laws of this commonwealth or of the United States, as shall be necessary for the well ordering of the affairs of said company: Pro- Proviso. vided, That no person shall have more than ten votes at any election, Votes. or in determining any question arising at any such meeting, whatever number of shares he may be entitled to, and that each person shall be entitled to one vote for every share held by him under that number.

SECTION 4. The said company shall meet on the first Saturday in December in every year, at such place as shall be fixed by their by- Annual meeting. laws, for the purpose of choosing such other officers as aforesaid for the ensuing year, in manner aforesaid, and at such other times as they shall be summoned by the managers, in such manner and form as shall be prescribed by their by laws; at which annual or special meetings they shall have full power and authority to make, alter or repeal, by a majority of votes, in manner aforesaid, all such by-laws, rules, orders and regulations, made as aforesaid, and to do and perform any other corporate act.

**Certificates of stock.**

**Transferable.**

**Payments.**

**Penalty on neglect.**

**Powers.**

**Location.**

**Construction.**

SECTION 5. The president and managers first chosen, as aforesaid, shall procure certificates, to be written or printed, for all the shares of the said stock of the said company, and shall deliver one such certificate, signed by the president and countersigned by the treasurer, and sealed with the common seal of the said corporation, to each person for every share by him subscribed and held; which certificate shall be transferable at his pleasure, in person or by attorney, in the presence of the president or treasurer; subjected, however, to all payments due and to become due thereon; and the assignee holding any certificate, having first caused the assignments to be entered in a book of the company to be kept for that purpose, shall be a member of said corporation, and for every certificate by him held, shall be entitled to one share of the capital stock, and of all the estates and emoluments of the company, and vote, as aforesaid, at the meetings thereof.

SECTION 6. If after thirty days' notice in three or more of the public newspapers printed in the county of Bucks, of the time and place appointed for the payment of any proportion or dividend of said capital stock, in order to carry on the work, any stockholder shall neglect to pay any such proportion or dividend, at the place appointed, for the space of thirty days after the time so appointed, every such stockholder, or his assignee, shall, in addition to the dividends so called for, pay at the rate of five per cent. per month for delay of such payment; and if the same and the said additional penalty shall remain unpaid for such space of time, as that the accumulated penalty shall become equal to the sums before paid in part, and on account of such shares, the same shall be forfeited to the said company, and may and shall be sold to any person or persons willing to purchase for such price as can be obtained for the same.

SECTION 7. The said president and managers shall meet at such times and places as shall be ordained by their by-laws, and when met, six members shall form a quorum, who, in the absence of the president, may choose a chairman, and shall keep minutes of all their transactions, fairly entered in a book; and a quorum being formed, they shall have power and authority to appoint all such surveyors, engineers, superintendents, and other artists and officers as they shall deem necessary to carry on their intended works, and fix their salaries and wages; to ascertain the times when, and manner and proportion in which the stockholders shall pay the moneys due on their respective shares, in order to carry on the work; to draw orders on the treasurer for moneys necessary to pay the salaries, or wages of persons employed by them, and for labor done and materials provided in the prosecution of the work; which order shall be entered on their book of minutes, and shall be signed by the president, or in his absence, by a majority of a quorum, and countersigned by their secretary, and generally to do all such other acts, matters and things, as by this act and the by-laws, rules, orders and regulations of the company, shall be committed to them.

SECTION 8. That the said road shall commence at the termination of the Doylestown and Danborough turnpike road, in the village of Danborough, and continue up the Easton stage road, as near as may be thought practicable, to the point where the Quakertown road intersects said road in Plumsteadville, in the county of Bucks.

SECTION 9. The president, managers and company, shall cause a road to be laid out of not less than forty feet in width, in such manner as that the present buildings on said road be not injured, and at least nineteen feet thereof be made a good and substantial turnpike road, to secure a firm, and as near as the materials will admit of, an even surface, and so nearly level in its progress, as that it shall in no place raise

or fall more than will form an angle of five degrees with a horizontal line, and shall forever after maintain and keep the same in good and perfect order, from the place of beginning to the termination thereof; and the president and managers and company shall have power to erect permanent bridges over all the waters crossing the said road.

SECTION 10. So soon as the said president, managers and company, shall have perfected the said road, they shall give notice thereof to the Governor to appoint viewers. governor of the commonwealth, who shall thereupon forthwith nominate and appoint three disinterested persons to view and examine the same, and report to him, in writing, whether the said road is executed in a masterly and workmanlike manner, according to the true intent and meaning of this act; and if their report shall be in the affirmative, then the governor shall, by license under his hand, and the lesser seal of the commonwealth, permit the said president, managers and company, to erect and fix so many gates and turnpikes upon and across the said road, as will be necessary and sufficient to collect the tolls hereinafter granted to the said company, from all persons traveling on the same with horses, mules, cattle, carts, wagons and carriages: *Provided*, That all persons attending funerals, or places of worship, their horses and carriages shall be exempt from the payment of tolls in going to or returning therefrom.

SECTION 11. When the company is licensed in manner aforesaid, it shall be lawful for them to appoint such and so many toll-gatherers as they shall think proper, to collect and receive of and from every person or persons using the said road, the tolls and rates hereinafter authorized and provided for, and to stop any person riding, leading, or driving any horses, cattle, mules, hogs, sheep, coach, coachee, sulky, chair, chaise, cart, wagon, sleigh, sled, or any other carriage of burden or pleasure, from passing through the said turnpike, until they shall respectively have paid the same; and the said company shall be authorized to charge the same rates of toll as are now authorized to be charged by the town and Willow Grove turnpike road company, by act of fourteenth February, one thousand eight hundred and thirty-eight, and the supplement thereto, passed the twelfth of April, one thousand eight hundred and forty-three: and if any person or persons shall represent to the said company, or any of their officers, that he, she or they have traveled a less distance than he, she or they have actually traveled along said road, with intent to defraud said company of its toll, or any part thereof, such person or persons shall, for every such offence, forfeit and pay to the use of said company, the sum of five dollars; and if any toll-gatherer shall demand and receive toll for a greater distance than the person of whom such toll is demanded, shall have traveled along the said turnpike road, or shall demand and receive greater toll from any person or persons than such toll-gatherer is authorized to demand and receive by virtue of this act, such toll-gatherer shall forfeit and pay the sum of ten dollars for every such offence, to the use of the poor of the township in which the said forfeiture is incurred; and for the payment of which, said company shall be responsible.

SECTION 12. All carriages to be drawn by oxen in the whole, or partly by oxen and partly by horses, two oxen shall be estimated as equal to one horse in charging the tolls herein authorized, and every mule as equal to one horse.

SECTION 13. If the said company shall neglect to keep the said road in good and perfect order for the space of ten days, and information thereof shall be given to any justice of the peace of the neighborhood within the county where the repair ought to be made, such justice shall issue a precept, to be directed to any constable, commanding him to

Proceedings in  
case road is out  
of repair.

summon three disinterested persons to meet at a certain time, in said precept to be mentioned, at the place in the said road which shall be complained; of the time and place of which meeting, notice shall be given to the keeper of the gate nearest thereto; and the said justice shall, at such time and place, on the oaths or affirmations of such persons, inquire whether the said road, or any part thereof, is in such good and perfect order and repair as aforesaid, shall cause an inquisition to be made under the hands of himself and a majority of the said persons; and if the said road shall be found by the said inquisition to be out of order and repair, contrary to the true intent and meaning of this act, the said justice shall certify and send one copy of the said inquisition to each of the keepers of the turnpikes or gates, between which such defective places shall be, and from thenceforth the tolls hereby granted to be collected at such turnpikes or gates, shall cease to be demanded, paid or collected, until the said defective part or parts of the said road shall be put in good and perfect order and repair as aforesaid; and if the same shall not be put in good and perfect order and repair before the next general court of quarter sessions of the peace, to be held for the county in which the defect is proved to be, the aforesaid justice shall certify and send a copy of the inquisition aforesaid, to the justices of said court; and the said justices shall thereupon cause process to issue, and bring the body or bodies of the person or persons entrusted by the company with the care and superintendence of such part of said road as shall be found so defective, and shall proceed thereon as in cases of supervisors of the highways for neglect of their duty; and if the person or persons entrusted by the said company aforesaid, shall be convicted of the offence by the said inquisition charged, the said court shall give judgment according to the nature and aggravation of the neglects, as according to right and justice would be proper in the case of supervisors of the highways neglecting their duties, and the fines and penalties, so to be imposed, shall be recovered in the same manner as fines for misdemeanors are usually recovered in the said court, and shall be paid to the supervisors of the highways of the township wherein the offence was committed, to be applied to repairing the public roads within such township.

Penalty for  
avoiding pay-  
ment of tolls.

SECTION 14. If any person or persons whosoever, owning, riding in or driving any coach, cart, wagon, sleigh, sled or other carriage of burden or pleasure, riding or leading any horse, mule, mare or gelding, or driving any hogs, sheep or other cattle, shall therewith pass through any gate or bars along, or over any private gate or bars, or along or over any private passage way or other grounds near to, or adjoining any turnpike or gate erected in pursuance of this act, with an intent to defraud the company, and avoid the payment of the tolls or duty for passing through any such gate or turnpike, every person so offending shall, for every such offence, forfeit and pay to the president and managers and company of the Danborough and Plumsteadville turnpike road, any sum not exceeding ten dollars, to be sued for and recovered with costs of suit before any justice of the peace, in like manner, and subject to the same rules and regulations, as debts of similar amount are by law sued for and recovered: *Provided always*, That if any person or persons shall be prosecuted under this section of this act, and said prosecution shall not be sustained on the part of the prosecutors, then in that case the person or persons prosecuted as aforesaid, shall receive from the company the sum of ten dollars, in lieu of damages arising from delay and a vexatious prosecution, recoverable as other fines under this act.

Proviso.

**SECTION 15.** The president and managers of the said company, shall keep fair and just accounts of all moneys received by them from the said commissioners, or from the subscribers to the said undertaking, on account of the several subscriptions, and for all penalties for the delay of payment thereof, and of the amount of profits on the shares which may be forfeited as aforesaid; also all moneys by them expended in the prosecution of their work; and shall, once at least in every year, submit such accounts to a general meeting of the stockholders, until the said road shall be completed, and until all costs and charges and expenses of effecting the same, shall be fully paid and discharged, and the aggregate amount of such expenses shall be liquidated and ascertained; and if upon such liquidation, or when the capital stock of said company shall be nearly expended, it shall be found that said capital stock will be insufficient to complete said road, according to the true intent and meaning of this act, it shall and may be lawful for the said president, managers and company, at a stated or special meeting convened according to the provisions of this act, or their own by-laws, to increase the number of shares to such an extent, as shall be deemed sufficient to accomplish the work; and to receive and demand the moneys subscribed for such shares in like manner, and like penalties, as are hereinbefore provided for the original subscription, as shall be provided for by their by-laws: the said president, managers and company shall also keep a just and true account of all and every the moneys received by their several and respective collectors of tolls, at the gate or gates or turnpikes on said road; and shall make and declare a dividend of the clear profits and income thereof, all contingent costs and charges being first deducted among all the subscribers to the said company's stock, and shall on the first Saturday in December and June in every year, publish the half yearly dividend made of the said clear profits among the stockholders, and of the time and place, when and where the same will be paid, and shall cause the same to be paid accordingly.

Accounts.

Increase number of shares.

Dividend.

**SECTION 17.** The said company shall cause mile stones to be placed on the side of said road, whereon shall be marked in legible characters, the respective number of miles which each stone is distant from the commencement of said road; and at every gate or turnpike by them to be fixed on said road, shall cause the distance from Ridgway, and the distance from the nearest gates or turnpikes in each direction, to be marked in legible characters, designating the number of miles and fractions of a mile on the said gates, or other conspicuous place, for the information of travelers and others using said road; and if any person shall wilfully destroy the said mile stones, or deface the same, or deface the directions made on the said gates or other conspicuous places aforesaid, or shall, without permission of the acting superintendent of the said road, throw out upon the road, or within the limits of the same, and suffer to remain for the space of one day, any mould, dirt, shavings, weeds or rubbish of any kind, such person being convicted thereof before a disinterested justice of the peace of the county, he or she shall be adjudged, by the said justice, to pay a fine not exceeding three dollars, to be recovered with costs, as debts of like amount are by law recoverable; which fine, when recovered, shall be paid by the said justice to the treasurer of the said company, for the use of the said company.

Erect mile stones

**SECTION 18.** All wagoners and drivers of carriages of all kinds, whether of burden or pleasure using the said road, shall (except when passing by a carriage of slower draught) keep their horses and carriages on the right hand side of said road in the passing direction, leaving the other side of said road free and clear for other carriages to pass and re-

Traveling regulated.



pass; and if any driver shall offend against this provision, he shall forfeit and pay any sum not exceeding two dollars, to any person who shall be obstructed in his passage as will sue for the same, to be recovered with costs before any justice, in like manner as debts of like amount are by law recoverable; and no wagoner or driver of carriage of any kind, whether of burden or pleasure using said road, shall pass any other vehicle going in the same direction, at a faster gait than a trot, at a rate not exceeding eight miles per hour, under a penalty of twenty dollars for each offence, recoverable before any justice of the peace, one-half to the use of said company, and the other half to the use of the informer.

Commencement  
and completion of  
road.

SECTION 19. If the said company shall not proceed to carry on the said work within the space of five years after the passage of this act, or shall not within ten years thereafter complete the said road, according to the true intent and meaning of this act, then in either of those cases all and singular the rights, liberties and privileges and franchises hereby granted to the company, shall revert to this commonwealth.

WILLIAM F. PACKER,  
*Speaker of the House of Representatives.*

WM. WILLIAMSON,  
*Speaker of the Senate.*

APPROVED—The eighth day of March, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

No. 127.

## AN ACT

Providing for the election of constable, assessor and judges and inspectors of the general election in the borough of Pottstown, in Montgomery county.

Elect election  
officers.

Assessor and  
constable.

Election, how to  
be conducted.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That from and after the passage of this act, the qualified citizens of each ward in the borough of Pottstown, shall elect at the time and place fixed by existing laws, two inspectors for each ward, and shall also elect one person to serve as judge of the election for each ward, to perform the duties enjoined by the acts of assembly relating to elections; and at the same time the qualified citizens of said wards shall jointly choose one person for assessor, and two persons, one of whom shall be appointed constable thereof, in the manner now provided by law; and the commissioners of the county, and the town council of the borough of Pottstown, shall appoint a collector of taxes for the said borough of Pottstown, in the manner provided by law.

SECTION 2. That at the election for constable, assessor, and officers of elections first held after the passage of this act, the elections shall be



opened and conducted by the officers now authorized to open and conduct such election; but in addition to the duties now required of them, they shall provide two boxes for inspectors of elections, one of which shall be marked "inspectors of East ward," and the other "inspectors of West ward;" and two boxes for judges of elections, one of which shall be marked "judges of East ward," and the other "judges of West ward;" and the officers holding said election shall deposit the votes of the citizens of the East ward in the boxes marked East ward, and the votes of the citizens of the West ward in the boxes marked West ward; and all other elections, after said first election, shall be conducted by the proper officers of each ward.

SECTION 3. That so much of the act of assembly, passed the twenty-first day of June, one thousand eight hundred and thirty-nine, providing for the election of aldermen and justices of the peace, as requires for each ward in a borough two justices of the peace shall be elected, shall not be deemed to extend to the borough of Pottstown, where one justice shall be elected for each ward, at the time and in the manner provided by law; and the present justices of the peace shall continue in the performance of their duties under their present commissions, as if each had been elected for the respective ward in which he now resides.

SECTION 4. That the election for borough officers, and the general elections, shall be held at the house now occupied by John Hartranft, in said borough, at the time and in the manner fixed by law; and at all elections after the first election for constable and other officers in receiving the votes, the officers of the election for each ward shall occupy one window or door of the house where the election shall be holden, in exclusion of the officers of the election for the other ward.

WILLIAM F. PACKER,  
*Speaker of the House of Representatives.*

WM. WILLIAMSON,  
*Speaker of the Senate.*

APPROVED—The fifteenth day of March, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

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No. 128.

## AN ACT

Authorizing the guardian of Charles S. Morse and Orrin D. Morse to convey real estate, and to authorize Henry H. Kurtz, guardian of Rebecca Evans, to purchase certain real estate.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* Lorin B. Morse, guardian of Charles S. Morse and Orrin D. Morse, Guardians to sell minor heirs of Chauncy Morse, late of Bradford county, deceased, or and convey.

Proviso.

such other person or persons as shall hereafter be appointed or chosen guardian or guardians of the said minor heirs, be and he or they are hereby authorized to sell to Adolphus D. Spalding, of said county, upon terms advantageous to said minor heirs, all the right, title and interest of said minor heirs in a certain piece and parcel of land, situate in the township of Troy, in the county of Bradford, known as the Chauncy Morse farm, it being the same piece and parcel of land purchased by the said Chauncy Morse, in his lifetime, of Lorin B. Morse, and to make and execute to the said Adolphus D. Spalding a good and sufficient conveyance and assurance in law, for the same; which conveyance and assurance shall vest in said Spalding all the estate, right, title and interest, in law, which the said Charles S. Morse and the said Orrin D. Morse now have or hold therein, and in the appurtenances thereunto belonging: *Provided*, That before said guardian or guardians shall proceed to make such sale, he or they shall give security in the orphans' court of said county, in such manner and in such sums as said court shall order and direct, for the faithful application of the proceeds of sale of the real estate hereby authorized to be sold.

Henry H. Kurtz, guardian of Rebecca Evans, authorized to purchase real estate.

SECTION 2. That Henry H. Kurtz, guardian of Rebecca Evans, late of Lancaster county, is hereby authorized to purchase, for the use of the said Rebecca Evans, a house and lot of ground in Cumberland county, at a price not exceeding seven hundred dollars, and hold the same for the use of the said Rebecca Evans, during her minority; and after she arrives at lawful age, the same to vest in her, in fee simple; or if she dies before, in her heirs and assigns, in fee simple: *Provided*, That before this act shall become operative, the said guardian shall give security, to be approved by the orphans' court of Lancaster county, for the faithful execution of the trust authorized by this act.

WILLIAM F. PACKER,

*Speaker of the House of Representatives.*

WM. WILLIAMSON,

*Speaker of the Senate.*

APPROVED—The fifteenth day of March, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

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No. 129.

## AN ACT

To prevent the continuance of liens in the county of Wyoming, by the revival of judgments in the county of Luzerne.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That from and after the first day of May next, the lien of no judgment shall*

be continued upon land situate in the county of Wyoming, by the revival of such judgment in the court of common pleas of the county of Luzerne; and so much of any act of assembly as is inconsistent herewith, be and the same is hereby repealed.

WILLIAM F. PACKER,  
*Speaker of the House of Representatives.*

WM. WILLIAMSON,  
*Speaker of the Senate.*

APPROVED—The fifteenth day of March, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

No. 130.

## AN ACT

To authorize the administrators of the reverend William Latta, D. D., deceased, and the executors of Margaret A. Latta, deceased, to sell and convey certain real estate.

WHEREAS, The reverend James Latta, D. D., of Drumore township, Lancaster county, Pennsylvania, died intestate, seized in his demesne, as of fee of and in a certain plantation or tract of land situate, lying and being in the said township of Drumore, in the county aforesaid, containing about one hundred and fifty-five acres, more or less: Preamble.

And whereas, The said plantation or tract of land, upon the death of the said James Latta, deceased, descended to and vested in Francis, William, John, Mary, Margaret, and Elizabeth Latta, and Sarah, intermarried with the reverend Thomas Love, and James Latta, children and heirs-at-law of said James Latta, deceased, as tenants in common:

And whereas, Margaret A. Latta, one of the said tenants in common, recently died, seized in fee of her said undivided share or eighth part in the said tract, having first made her last will and testament, since her death duly proven, wherein she disposes of the said undivided share as follows:—"I bequeath to my executors one-third of my share, or eighth part of the farm, which was my father's, in trust to pay over the same, converted into money after my decease, to the person who, when the same shall be payable, shall act as treasurer of the board of foreign missions of the Presbyterian church in the United States of America, to be applied to the education of two heathen children in India, one to be called Francis Latta, and the other Mary Latta: to the trustees of the board of missions of the general assembly of the Presbyterian church in the United States of America, and to their successors and assigns, I give and bequeath one-third of my share, or eighth part of the farm, which was my father's, for the uses and under the direction of the said board of said general assembly, according to the provisions of their charter: I give and bequeath one-third of my

share, or eighth part of the farm, which was my father's, to my executors, in trust for the American colonization society;" of which said will she constituted Martin Armstrong and Samuel D. M'Clelland, executors, to whom letters testamentary have been duly granted by the register of wills of Chester county :

*And whereas,* It was evidently the intention of the said testatrix to give her executors power to sell her interest in the said tract of land :

*And whereas,* The said several beneficiaries are desirous that the said executors should be vested with power to dispose of the same :

*And whereas,* The reverend William Latta, D. D., another of the above named tenants in common, lately died intestate as to his real estate, seized in fee of and in several shares, or eighth parts of the said tract of land, and also seized in fee of and in a tract or lot of woodland, situate in the said township of Drumore, Lancaster county, bounded now or lately by lands of doctor George Long and others, and containing ten acres, more or less :

*And whereas,* Letters of administration on the estate of the said reverend William Latta, deceased, have been granted in due form of law by the register of wills of Chester county, to the reverend William W. Latta and Mathew Barker, Esq. :

*And whereas,* It is desired that the said administrators may be vested with authority to sell the said real estate ; therefore,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That Martin Armstrong and Samuel D. M'Clelland, executors of the last will and testament of Margaret A. Latta, deceased, be and they are hereby authorized and empowered to sell the entire interest of the said Margaret A. Latta, deceased, in the said plantation or tract of land above mentioned, situate in Drumore township, Lancaster county, bounded now or lately by lands of Joseph Wentz, Mary Buchanan and others, either at public or private sale, and upon such terms and conditions as to said executors may seem most proper, and to execute, acknowledge and deliver a deed, in fee simple therefor, to the purchaser or purchasers thereof, and to pay the proceeds, after deducting the necessary expenses, to the several beneficiaries entitled thereto, agreeably to the said will.

Executors authorized to sell.

Administrators of Wm. Latta, have power to sell.

SECTION 2. That William W. Latta and Mathew Barker, administrators of the reverend William Latta, D. D., late of Chester county, deceased, be and they are hereby authorized and empowered to sell, either at public or private sale, the entire undivided interest or shares of the said William Latta, deceased, in the said plantation or tract of land above mentioned, situate in Drumore township, Lancaster county, containing in the whole one hundred and fifty-five acres, more or less, in such manner as they may deem best ; and also to sell, either at public or private sale, the said tract of woodland above mentioned, of which the said William Latta died seized, containing ten acres, more or less, and to execute, acknowledge and deliver to the purchaser or purchasers of the said real estate, a deed or deeds, in fee simple : *Provided,* That before selling the real estate aforesaid, the said William W. Latta and Mathew Barker shall give bond with security, to be approved by the orphans' court of Chester county, conditioned for the faithful appropriation of the proceeds of such sale or sales, according to their respective duties, as if the same were sold under an order of the proper orphans' court, for the payment of the debts of the said reverend William Latta, deceased : *And provided further,* That such sale or sales, made by the said administrators, shall, before the execution and de-

Proviso.

livery of the deed or deeds therefor, be confirmed by the orphans' court of Chester county.

WILLIAM F. PACKER,  
*Speaker of the House of Representatives.*

WM. WILLIAMSON,  
*Speaker of the Senate.*

APPROVED—The fifteenth day of March, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

No. 131.

# AN ACT

To alter the time of electing the board of trustees of the academy in Tuscarora Valley, Juniata county, and to repeal the act changing the place of holding the elections in Concord election district, Franklin county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* from and after the passage of this act, it shall be lawful for the contributors to the fund of the said Tuscarora academy, or a majority of them, to elect their board of trustees on the second Monday of May in each and every year thereafter; and that so much of the act as is hereby altered and supplied, be and the same is repealed. Time of election.

SECTION 2. That the eighteenth section of an act, entitled "An Act regulating election districts," passed the fifteenth day of February, one thousand eight hundred and forty-eight, be and the same is hereby repealed. Franklin, Concord election district, place changed.

WILLIAM F. PACKER,  
*Speaker of the House of Representatives.*

WM. WILLIAMSON,  
*Speaker of the Senate.*

APPROVED—The fifteenth day of March, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

No. 132.

## AN ACT

To authorize the canal commissioners to examine and adjust the claims of Samuel G. Ramsey, a contractor on the Erie extension, Pennsylvania canal.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* the canal commissioners are hereby authorized and directed to examine the claims of Samuel G. Ramsey, a contractor on the Erie extension, Pennsylvania canal, and settle the same according to the terms of the contract between said Ramsey and the commonwealth, and the evidence they may have or receive from the officers who had charge of said canal at the time said work was done, in pursuance of said contract, and make report to the legislature: *Provided, That* no allowance should be made to the claimant for discount on state certificates.

WILLIAM F. PACKER,  
*Speaker of the House of Representatives.*

WM. WILLIAMSON,  
*Speaker of the Senate.*

APPROVED—The fifteenth day of March, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

No. 133.

## AN ACT

Relative to the bounty on fox scalps in the counties of Dauphin, Westmoreland, Chester, Monroe and Lehigh.

Bounty in Dau-  
phin county.

In Westmore-  
land, Chester,  
Monroe and Le-  
high.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* from and after the passage of this act, the bounty on fox scalps of all kinds, in the county of Dauphin, shall be one dollar for each and every scalp.

SECTION 2. That from and after the passage of this act, any person or persons who may kill any fox or foxes within the counties of Westmoreland, Chester, Monroe and Lehigh, in this commonwealth, and who shall produce the scalp or scalps, having the ears thereon, before any justice of the peace in and for said counties, as aforesaid, it shall

be the duty of said justice to examine such person or persons, on oath or affirmation, touching the time when, and the place where, such fox or foxes was or were taken and killed, and if the place or places of such taking and killing shall be found to be within the bounds of either of the aforesaid counties, it shall be the duty of such justice to give the person or persons a certificate of the facts, to the commissioners of the county in which said justice may reside; and the said commissioners, upon the receipt thereof, shall immediately draw their warrant on the county treasurer, if for the scalp of a full grown fox, the sum of forty cents, and for those that are not full grown, twenty cents, for each and every scalp so produced as aforesaid; and it shall be the duty of such treasurer, and he is hereby directed, to pay the amount of said order.

SECTION 3. That from and after the passage of this act, the bounty <sup>Bounty.</sup> on fox scalps of all kinds, in the counties of Lehigh and Monroe, shall be fifty cents for each and every scalp.

WILLIAM F. PACKER,  
*Speaker of the House of Representatives.*

WM. WILLIAMSON,  
*Speaker of the Senate.*

APPROVED—The fifteenth day of March, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

No. 134.

## A SUPPLEMENT

To an act, entitled "An Act to incorporate the Upper Dublin, Lewisville, Whitehallville and Nazareth turnpike road company," passed the seventeenth day of April, one thousand eight hundred and forty-five, and changing the name and title of said company to that of the Northern turnpike company, and for other purposes, passed seventeenth day of April, one thousand eight hundred and forty-six.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the words "Sweede street," where the same first occurs in the fourth section of the act, entitled "An Act to incorporate the Upper Dublin, Lewisville, Whitehallville and Nazareth turnpike road company," <sup>Sweede street changed to Greene alley.</sup> passed the seventeenth day of April, eighteen hundred and forty-five, changing the name and title of said company to that of the Northern turnpike road company, and for other purposes, approved April seventeenth, eighteen hundred and forty-six, shall be read, construed and considered "Greene alley;" and said section shall be read and construed as if the words "Greene alley" were contained in said section, in the place and stead of the said words "Sweede street," the same being a clerical mistake in said section; and the report of the commissioners, mentioned in said section, shall then be confirmed by the court,

as if this act had passed before the proceedings of said commissioners commenced.

WILLIAM F. PACKER,  
*Speaker of the House of Representatives.*  
 WM. WILLIAMSON,  
*Speaker of the Senate.*

APPROVED—The fifteenth day of March, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

No. 135.

AN ACT

Authorizing George Ford, trustee of the children of Samuel B. Heise, to pay over certain moneys.

Trustee authorized to pay over certain moneys.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* George Ford, trustee of Anne B. Heise, Elizabeth P. L. Heise, Mary B. Heise, Patience A. Heise and Margaretta C. Heise, children of Samuel B. Heise, of the borough of Columbia, in the county of Lancaster, duly appointed by the court of common pleas of Lancaster county, and his successor, be and he is hereby authorized and empowered to pay over any and all moneys which he has received out of the proceeds of the sale of the real estate, directed to be sold by order of the court of common pleas aforesaid, and the proceedings had in a certain action of partition in said court, to January term, one thousand eight hundred and forty-seven, number eighteen, wherein Susan Bethel was plaintiff, and Patience Heise, and others, were defendants; and also any other moneys which may hereafter come into his hands, under the last will and testament of Mary Bethel, deceased, and payable ultimately to the children of Samuel B. Heise, as aforesaid, unto the said Anne B. Heise, Elizabeth P. L. Heise, Mary B. Heise, Patience A. Heise and Margaretta C. Heise, children as aforesaid, or to such of them as are or may be of full age, and to the proper guardian or guardians of such of them as are still minors, in like manner and with like effect as if Susan Bethel were dead.

Effect of releases.

SECTION 2. Any or all releases executed by them, or any of them, to said George Ford, trustee as aforesaid, or to his successor, for the moneys so paid over and received, shall be held and taken as a sufficient discharge to him or his successor, for the same.

WILLIAM F. PACKER,  
*Speaker of the House of Representatives.*  
 WM. WILLIAMSON,  
*Speaker of the Senate.*

APPROVED—The fifteenth day of March, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.



No. 136.

## AN ACT

To authorize the auditor general to credit Isaac Colbert, former treasurer of Butler county, with the sum of forty dollars.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* the auditor general be and he is hereby required to credit Isaac Colbert, former treasurer of Butler county, with the sum of forty dollars, being an amount paid by said treasurer, on the certificate of the state treasurer, to Abraham Brinker, to whom was granted a gratuity, under the provisions of an act, passed the seventh day of April, Anno Domini one thousand eight hundred and forty-six.

WILLIAM F. PACKER,  
*Speaker of the House of Representatives.*

WM. WILLIAMSON,  
*Speaker of the Senate.*

APPROVED—The fifteenth day of March, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

No. 137.

## AN ACT

Supplementary to the act, entitled “An Act relating to roads, highways and bridges, in the counties of Warren, Venango and M’Kean, and for other purposes,” passed the ninth day of April, Anno Domini one thousand eight hundred and forty-four.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* whenever the commissioners of roads and highways, in the county of Warren, shall lay out, alter or vacate any road under the provisions of the sixth section of said act, it shall be the duty of said road commissioners to report the same to the next court of quarter sessions of the county, in the same manner as viewers were required to do by the act, entitled “An Act relating to roads, highways and bridges,” passed the thirteenth day of June, one thousand eight hundred and thirty-six; and the report so made, shall be subject to the approval of said court; and all other proceedings upon said report, and all further action upon said

Report of road  
commissioners of  
Warren county,  
to be made to  
court.

road, shall be in conformity with the provisions of the act last referred to.

To issue a warrant for the collection of taxes.

SECTION 2. That it shall be the duty of the road commissioners, when they shall issue a duplicate, or list of taxables, to any road-master, in pursuance of the provisions of the fifth section of said act, to attach thereto a warrant for the collection of said taxes in said list contained, authorizing and requiring said road-master to collect the amount due from all persons named therein, who shall neglect or refuse to work out their road tax after ten days' notice so to do by said road-master; and that so much of the seventh section of said act, as requires the road commissioners to issue their warrant for the collection of any road tax to any constable, be and the same is hereby repealed.

Repeal.

SECTION 3. That so much of the sixth section of the act to which this is a supplement, as requires the township clerk to keep a record of roads so laid out, in the county of Warren, is hereby repealed.

Repeal.

SECTION 4. That the twelfth section of the aforesaid act is hereby repealed.

WILLIAM F. PACKER,  
*Speaker of the House of Representatives.*

WM. WILLIAMSON,  
*Speaker of the Senate.*

APPROVED—The fifteenth day of March, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

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No. 138.

A SUPPLEMENT

To an act, entitled "An Act for the settlement of the estate of Samuel Cochran, deceased.

Trustee to prosecute suits.

*Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That the trustee appointed, or to be appointed under the provisions of the act to which this is a supplement, shall have authority to commence and prosecute in his name, as trustee, all suits in relation to the real estate of the said Samuel Cochran, deceased, for any cause which may have arisen since the death of the said decedent, or which may hereafter arise, as fully and effectually, as the said Samuel Cochran might or could do if he were living.*

WILLIAM F. PACKER,  
*Speaker of the House of Representatives.*

WM. WILLIAMSON,  
*Speaker of the Senate.*

APPROVED—The fifteenth day of March, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

No. 139.

## AN ACT

To erect Warren, in the county of Armstrong, into a borough, to be called and known by the name of Apollo.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the town of Warren, in the county of Armstrong, shall be and the same is hereby erected into a borough, which shall be called Apollo, and shall be comprised within the following boundary, to wit:—Beginning at the north-west corner of a six acre lot of James R. Speer, and running from thence by the Kiskiminetas river south thirty-nine degrees east thirty-six perches to a post; south nine and one-half degrees east twenty-six and one-half perches to a post; south twenty-two degrees east fifty-three perches to a beech tree; thence north sixty-one degrees east sixty-two perches to a post at the state road; thence north twenty-nine degrees west thirty-five perches to a post at the corner of a burying ground; thence north sixty-one degrees ten perches to a post; thence north nineteen degrees west twenty-four perches to a post; thence by one acre lot of William Guthery, north sixty-one degrees east eighteen perches to a post; thence north twenty-nine degrees west forty perches to a post; thence by lands of John Elwood and others south eighty-one degrees west ninety-eight perches to the place of beginning. Style. Boundaries.

SECTION 2. It shall and may be lawful for all persons entitled to vote for members of the legislature, who have resided in the said borough three months previous to such election, to meet at the house of John T. Smith on the second Friday of March in every year, except the first year, when they shall meet on the first Friday in May, and then and there elect by ballot, between the hours of twelve and six o'clock of the same day, one respectable citizen residing therein, who shall be styled the burgess of said borough, and five citizens residing therein, who shall be a town council; but previously to said election the judges, inspectors and clerks shall be elected and appointed as such officers are elected and appointed under the general election law of this commonwealth, so far as relates to receiving and counting votes, and who shall be subject to the same penalties for malpractices, as by the said law is imposed; and the said judge, inspectors and clerks, before they enter upon the duties of their offices, shall each take an oath or affirmation before any justice of the peace of the said county, but if no justice of the peace be present at the election, the judge, after having first the oath or affirmation required administered to him by one of the inspectors, shall administer the oaths or affirmations to the inspectors and clerks, to perform the same with fidelity; and after the said elections shall be closed, shall declare the person having the greatest number of votes to be duly elected; and in case any two or more candidates shall have an equal number of votes, the preference shall be determined by lot, to be drawn by the judge and inspectors; whereupon duplicate returns thereof shall be signed by the said judge and inspectors, one of Qualification of citizens. Annual election. Officers. Election, how to be conducted.

which shall be transmitted to each of the persons elected, and the other filed among the records of the corporation; and in case of the death, resignation, removal or refusal to accept, or neglect or refusal to act after acceptance of any of the said offices, the burgess, or in case of his death, absence or inability to act, or when he neglects or refuses to act, the first named of the town council shall issue his precept, directed to the high constable, or where there is no high constable, or where he refuses or neglects to act, then any of the members of the town council shall advertise and hold an election in the manner aforesaid, to supply such vacancy, giving at least ten days' notice thereof by advertisements, set up at four of the most public places in the said borough.

**Body politic.**

**Name.**

**Privileges.**

SECTION 3. From and after the first Tuesday in May next, the burgess and town council duly elected as aforesaid, and their successors, shall be one body politic and corporate in law, by the name and style of the burgess and council of Apollo, and shall have perpetual succession; and the said burgess and town council aforesaid, and their successors, shall be capable in law to receive, hold and possess goods, chattels, lands and tenements, rents, liberties, jurisdictions, franchises, hereditaments, to them and their successors in fee simple, or otherwise, not exceeding the yearly value of five hundred dollars; and also to give, grant, sell, let and assign the same lands, tenements, hereditaments, rents; and by the same name and style aforesaid, they shall be capable in law to sue and be sued, plead and be impleaded in any of the courts of law of this commonwealth, in all manner of actions whatsoever, and to have and to use one common seal, and the same from time to time, at their will, to change and alter.

**Penalty for refusing to serve as an officer.**

**Proviso.**

SECTION 4. If any person, an inhabitant of the said borough, duly qualified to elect as aforesaid, shall be elected to the office of burgess, and having notice of his election, shall refuse to undertake and execute that office, every person so refusing, shall forfeit and pay a fine of ten dollars; and if any other person duly qualified as aforesaid, shall be duly elected to any other office in said borough enacted by this act, and having notice of his election, shall refuse to undertake and execute the duties of that office, every person so refusing, shall forfeit and pay a fine of five dollars, which fines, forfeitures and all others in pursuance of this act, or of the by-laws of the said council, shall be recoverable before any justice of the peace of said county, for the use of said corporation: *Provided*, That no person shall be compelled to serve more than one year in any term of three years; and that if any person or persons shall conceive himself or themselves aggrieved by the judgment of any justice of the peace by virtue of this act, he or they may appeal to the next county court of common pleas, upon giving security according to law, to prosecute his or their appeal with effect, who shall on the petition of the party, take such order therein as to them shall appear just and reasonable, and the same shall be conclusive to all parties.

**Oaths.**

SECTION 5. The burgess shall take and subscribe an oath or affirmation before one of the associate judges, or a justice of the peace for the county of Armstrong, to support the constitution of the United States and of this state, and an oath or affirmation, well and truly to execute the office of burgess of the borough of Apollo; and when so qualified, he shall administer an oath or affirmation to the council, high constable and town clerk in the manner and form aforesaid, before they shall enter on the duties of their respective offices; the certificates of which oaths and affirmations shall be filed among the records of the said corporation.

**SECTION 6.** The town council may meet by their own authority as occasion may require, or upon the summons of the burgess; they shall have power to enact by-laws, and to make such rules, regulations and ordinances as shall be determined on by a majority of the whole council, necessary to promote the peace, good order, and general welfare of the inhabitants of the said borough, and for the purpose of improving and keeping in order the streets, lanes, alleys, public squares and common ground, (if any) belonging to said town, for removing nuisances and obstructions therefrom, and the same to annul, alter or make anew as the occasion may require; and also to assess, levy and collect a tax for said purposes; and also annually to appoint a town clerk, treasurer, street commissioner, and such other officers as may be deemed necessary, with all other powers required for the well ordering and better government of the said borough: *Provided*, That the said ordinances, rules and regulations shall not be repugnant to the constitution and laws of the United States, or of this commonwealth: *And provided also*, That no tax shall be laid by them in any one year, to exceed one-half of a cent in the dollar on the valuation of taxable property taken from the last assessment, unless some objects of general utility shall be thought necessary, in which case a majority of the freeholders of said borough, by writing under their hands, shall approve and certify the same to the town council, who shall proceed to assess the same accordingly; and all taxes which may be assessed or laid in their said borough shall, as nearly as the same is practicable, be assessed and collected conformably to the laws for raising county rates and levies.

Powers of council.

Proviso.

Proviso.

**SECTION 7.** It shall be the duty of the town clerk to attend all meetings of the town council, when assembled on business of the corporation, and perform the duty of clerk thereto, and keep and preserve the common seal and records of the corporation, and be answerable for the same; and also for the faithful discharge of all the duties which may be enjoined upon him by virtue of this act, or of the acts of the town council; and his attestation, with the corporation seal, shall be good evidence of the thing or act so certified.

Duty of clerk.

**SECTION 8.** The treasurer shall give security for the faithful discharge of the duties of his office, and for the safe delivery into the hands of his successors of all moneys, books and accounts appertaining thereto, upon demand being made by the burgess for that purpose.

Treasurer.

**SECTION 9.** The street commissioner, treasurer and constable, as well as all other officers who may be appointed by the council, shall render their accounts to the council once in every year, for settlement; and the said accounts being adjusted and settled, shall be forthwith published by the said council, showing particularly the amount of taxes laid and collected, and the expenditures.

Officers to render accounts.

**SECTION 10.** It shall be the duty of the high constable to give notice of the election, by setting up advertisements in three public places in the said borough, ten days previously thereto; and shall attend and see that the same is opened at the time and in the manner directed by this act.

High constable.

**SECTION 11.** It shall and may be lawful for all persons entitled by law to vote for burgesses and other officers of the borough of Apollo, at the same time and places where they vote for said officers, to elect two reputable citizens of the said borough, and return the names of the persons so elected to the next court of quarter sessions of the said county, one of whom shall be appointed by the said court constable of said borough, with like power and authority, and subject to the same regulations and penalties as are provided and contained in the laws now

To elect a constable.

His duties.

existing, or that hereafter may be passed, concerning borough constables within this commonwealth; and the said constable, so appointed, shall do and perform all the duties required to be done by the high constable of said borough, if appointed high constable by the council, in pursuance of this act and of the by-laws and ordinances of said borough; and the said constable shall have, exercise and possess all the powers and duties of the constables elected in the several townships in the said county of Armstrong, and shall, if not possessed of a freehold estate in his own right, clear of all incumbrances, of the value of one thousand dollars, enter in a bond to that amount, with at least one sufficient surety, to be approved of by the court of quarter sessions of said county, in the same manner as now with reference to the several constables of the several counties within this commonwealth, and for the same uses and trusts, to all intents and purposes, and the same penalties imposed for neglect or refusal to serve; and in case a vacancy shall occur by death, refusal to serve, or any other cause, the said court shall appoint, as they have power to do in such cases in the several townships of this commonwealth.

Court of appeal.

SECTION 12. The burgess, one member of the council, and treasurer, or any two of them, shall constitute a court of appeal, and prior to the collection of any borough tax, they shall appoint a day for the hearing of appeals, of which and of the amount of his or her tax, and the place where the appeals will be held, the clerk shall notify each taxable, by a written notice, in the usual form and manner, at least ten days before the day of appeal; and when the said tax shall have been properly adjusted, it shall be the duty of the burgess, or in case of his absence or inability to act, of the treasurer; and he is hereby authorized to issue his precept, directed to the collector, commanding him to collect all taxes so assessed, and vesting him with like powers and authorities given to the collectors of the county rates and levies, by the laws of this commonwealth; and the amounts so collected shall be paid into the treasury, for the use of the corporation.

Absence of burgess supplied.

SECTION 13. In the absence of the burgess from the borough, or his inability to act, it shall be the duty of the first named of the town council who may be present, to perform the duties which are enjoined on the burgess by this act, or may be enjoined by the by-laws which may be passed in pursuance of the same.

Quorum.

SECTION 14. In any meeting of the burgess and town council, it shall require at least three of the council to form a quorum to do business; but in passing the by laws and ordinances, it will require a majority of the whole number of the council.

First election.

SECTION 15. Robert M'Kissen and William P. M'Cullough, of the said town, or either of them, shall publish and superintend the first election for borough officers, to be held on Tuesday, the third day of May next after the passage of this act, at the place appointed by law for holding the annual elections for said borough; and they are hereby directed to give five days' notice, by advertisement, as before directed in other cases of holding elections, of the time and place of holding the same.

Justices of the peace.

SECTION 16. The election for justices of the peace shall be held at the time and in the manner as directed by the general election law on that subject.

Taxes.

SECTION 17. All the taxes collected by said borough shall be expended exclusively within their own boundaries, for the repairs of their own streets, and the other purposes heretofore enumerated; and no property

within said borough shall, after the passage of this act, be subject to a road tax for township purposes.

WILLIAM F. PACKER,  
*Speaker of the House of Representatives.*

WM. WILLIAMSON,  
*Speaker of the Senate.*

APPROVED—The fifteenth day of March, one thousand eight hundred and forty-eight

FRS. R. SHUNK.

No. 140.

# AN ACT

To incorporate the Protection mutual fire insurance company of Chester county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* David Townsend, Joseph Hemphill, Henry M. Paxson, John M'Kinley, Isaac Thomas, M. D., Philip P. Sharpless, Pratt Roberts, Samuel B. Thomas, Samuel M. Painter, Ferdinand E. Hayes, Joseph Painter, William Darlington, M. D., John James, William Everhart, Levi K. Brown, Abner M. Chamberlain, John Keech, Thomas Townsend, Uriah V. Pennypacker, David Carr, Emmor S. Entriiken, John D. Pettit, Benjamin S. Bates, Benjamin F. Haines, Daniel B. Meredith, David Maconky, Walter Hibbard, Minshall B. Broomhall, Joshua Darlington, A. Harvey Levis, Washington Townsend, Henry B. Freeman, Stephen G. Snare, William Ingraham, James Tillum, William White, Paschall Woodward, James Park, John Worthington, William Shields, Townsend Lamborn, and L. White Williams, and all other persons who may hereafter associate with them in the manner hereinafter prescribed, shall be a body politic and corporate, by the name of "The Protection mutual fire insurance company of Chester county," and by that name shall have perpetual succession, and may sue and be sued, and hold, purchase, receive and convey real and personal estate, (with the limitations hereinafter specified) and may have and use a common seal, and alter or change the same at pleasure, and make by-laws, not inconsistent with any existing law, for the management of its property and the regulation of its affairs; but nothing herein contained shall be construed to give unto the said corporation any banking powers or privileges.

Names of incorporators.

Style.

Privileges.

SECTION 2. In addition to the general powers and privileges of a corporation, as the same are declared by the foregoing section, the corporation hereby created shall have the power to insure against losses by fire upon any house, tenement, barn, manufactory, store, warehouse, or other building, and on goods, wares, merchandize and effects, hay, grain, and other agricultural products contained therein, or upon the

Power to insure.

land or in stacks, sheds, outhouses or otherwise, and upon buildings generally; and to make, execute and perfect such and so many contracts, bargains, agreements, policies, and other instruments as shall or may be necessary, and as the nature of the case shall or may require.

**Real estate to be held by the company.** SECTION 3. The real estate, which it shall be lawful for the said corporation to purchase, receive, hold and convey, shall be,

I. Such as may be requisite for its immediate accommodation in the convenient transaction of its business; or,

II. Such as shall have been mortgaged to it in good faith, by way of security, for loans previously contracted or for moneys due; or,

III. Such as shall have been conveyed to it in satisfaction of debts previously contracted, or in the course of its dealings; or,

**Proviso.** IV. Such as shall be purchased at sales upon judgments, decrees or mortgages, obtained or made for debts due said company, or for debts due other persons, where said company have liens or incumbrances on the same, and the purchase is deemed necessary to save the company from loss on the liens or incumbrances held by it; and said corporation shall not purchase, receive, hold, or convey real estate in any other case, or for any other purpose: *Provided*, That no real estate acquired by the corporation, excepting that requisite for the transaction of its business, shall be retained by said corporation for a longer period than seven years.

**Who may become members.** SECTION 4. All persons who shall hereafter become insured in the said corporation, and also their heirs, executors, administrators and assigns, continuing to be insured in said corporation as hereinafter provided, shall thereby become members for and during the period they shall remain so insured, and no longer.

**Directors.** SECTION 5. All the corporate powers of the said company shall be exercised by a board of nine directors, and such officers and agents as they may appoint; the persons named in the first section of this act, or a majority of them, shall meet in the borough of West Chester within thirty days after this law shall be approved by the governor, and from their number shall elect nine persons to serve as directors until the first Monday in January next, and until others are elected in their stead; and on the same day of each year thereafter, the members of the corporation shall meet at such place in the borough of West Chester, as the corporation in their by-laws shall appoint, for the election of a new board of directors, who shall continue in office for one year, or until others shall be elected in their stead; and in the event of a failure to elect on the day herein appointed for such annual elections, the election shall be held as soon thereafter as practicable, public notice of time and place thereof having been given by advertisement in at least one newspaper published in the county of Chester aforesaid, ten days before the holding of the same.

**Annual meeting.** SECTION 6. Every election for directors shall be by ballot, to be decided by a majority of the votes, and shall be conducted under the inspection of three members of the corporation, not directors nor candidates for any office in the corporation, to be appointed by the directors for that purpose: each member shall be entitled to one vote.

**Elections, how conducted.** SECTION 7. The board of directors for the time being, shall choose a member of the board to act as president; they shall also annually appoint a secretary, treasury, and one or more surveyors, and from time to time, agents, or such other officers as shall be deemed necessary for the proper conduct of the affairs of the corporation: they shall fix the respective salaries and fees of the officers and agents by them appointed, shall have power to displace any such officers or agents, and to supply any vacancy which may happen by the death, resignation or displace-

**Appointment of officers.**

**Salaries.**

**Vacancies.**



ment of an incumbent, either in their own board, or in the officers or agents of the corporation: a majority of the board of directors shall constitute a quorum for the transaction of business.

SECTION 8. The directors may determine the rates and terms of insurance, and limit the amount to be insured. Rates of insurance.

SECTION 9. Every person who shall become a member of this company, by effecting insurance therein, shall, at and before the time when he receives his policy, make the deposit, and pay the rates that may be fixed and determined by the board of directors, and shall stand bound to contribute his proportion, according to the amount of his deposit and payment, of any loss or losses that shall happen to, or be incurred by the corporation during the period for which he shall have been insured; and the said deposit and payment shall be and remain as a pledge for the faithful performance of his covenants to and with the corporation; and upon the withdrawal of any member at the expiration of the time of his insurance, the said deposit and payment, together with a proportionate share of the profits, after deducting losses and incidental charges, if any thing remain, shall be relinquished to him, his executors, administrators or assigns: *Provided*, That if the said property be not demanded within one year from the time of his withdrawal, they shall be forfeited to the corporation. Policy to be given on deposit.

SECTION 10. In case any assured named in any policy or contract of insurance made by the said corporation, shall sell, convey, assign, pledge or incumber the subject insured, it shall be lawful for such assured to assign and deliver to such purchaser, assignee, bailee or person holding such incumbrance, such policy or contract of insurance; and such assignee of the policy or contract of insurance shall have all the benefit thereof, and may bring and maintain a suit thereon in his own name: *Provided*, That before any loss shall have happened, the president or secretary of the corporation shall, under his proper signature, endorse or annex to such contract or policy of insurance, his approval of such assignment, to be according to the established regulations for that purpose, and not otherwise. Assignment.

SECTION 11. When any member of this corporation shall sustain any loss or damage by fire, he shall give immediate notice to the president and directors of the company, at their office, to the end that the directors, their officers and agents, may examine and inquire into the same. Notice on loss by fire.

SECTION 12. The directors for the time being shall, with all convenient expedition after any loss sustained, settle a rate of contribution according to the amount deposited, and publish the same in such manner as they shall think fit; and when such rate shall exceed the dividend of interests or profits on the amount of all money deposited, all and every of the members of the company shall pay into the hands of the treasurer his or their proportionable part of such rate, within sixty days after such publication, as aforesaid; and in default of such payment, he or they, and every of them, making such default therein, shall forfeit and pay double the said rates, and neglecting to pay the said forfeiture for thirty days more, shall or may by the directors for the time being, be excluded and debarred from any benefit or advantage from his or their insurances respectively, and all right to the stock of this corporation, and shall, notwithstanding, be liable to the said rates pursuant to his or their covenants and agreements. Contribution in case of losses.

SECTION 13. It shall be lawful for the said corporation to invest their premium, profits and capital in bonds, mortgages, ground rents, stocks and loans of the United States and state of Pennsylvania, and other good securities, and to sell, transfer and change the same, and Penalty on defaulters.

Invest funds.

re-invest the funds of the said corporation when the directors shall deem it expedient.

Suits may be maintained.

SECTION 14. Suits at law may be maintained by said corporation against any of its members, for any cause relating to the business of the corporation; also, suits at law may be prosecuted and maintained by any member against the corporation, for losses or damage by fire, if payment be withheld more than three months after the company is duly notified of such loss or damage; and no member of the corporation shall be debarred from testifying in any case on account of his being a member of the said corporation; and no member or officer of the said company, not being in his individual capacity a party to such suit, shall, on account of his being an member or officer of the corporation, be disqualified or rendered incompetent as a witness in any such suit.

Annual statement.

SECTION 15. The officers of the corporation shall, at the annual meeting for the election of directors in every year, cause a statement to be made of the affairs of the company, and a balance to be struck of the profit and loss account; and if there be a surplus after paying all the losses and expenses incurred by the company for the year then preceding, each member shall be credited with such proportion of such surplus as his deposit or payment may bear to the aggregate of deposits or payments.

Balance to be published annually.

SECTION 16. Within thirty days after the annual meeting for the election of directors in every year, it shall be the duty of the officers of the corporation to cause to be made and published in at least one newspaper of the said county, a general balance statement of the affairs of the corporation; such statement shall contain:

I. The amount of deposits and premiums received, and the amount derived from interest on loans and investments during the same period.

II. The amount of the expenses of the company during the same period.

III. The amount of losses incurred during said period.

IV. The amount remaining with the company.

V. The nature of the security on which the same is loaned, and the amount of cash on hand, and generally all other matters necessary for a full exposition of the affairs of the corporation.

Location of office.

SECTION 17. The office of the said corporation shall be located at such place in the borough of West Chester as the directors may establish.

Rewards.

SECTION 18. The directors shall have authority to reward out of the funds of the corporation, such persons as are voluntarily and usefully active in cases of fire.

Repeal.

SECTION 19. The legislature may at any time alter or repeal this act; in such manner, however, as shall do no injustice to the corporations, or wrongfully affect any contract or engagement made by the corporation.

WILLIAM F. PACKER,

*Speaker of the House of Representatives.*

WM. WILLIAMSON,

*Speaker of the Senate.*

APPROVED—The fifteenth day of March, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

No. 141.

## AN ACT

To authorize Regina Scholl, of Lehigh county, to sell certain real estate.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That Regina Scholl, of Lehigh county, be and is hereby authorized to sell and convey in fee simple, at public sale, all that messuage, tenements, and three tracts of land situate in Heidleburg township, Lehigh county, as described in the will of Jacob Steckel, deceased, and to invest the proceeds thereof, under the direction of the orphans' court of Lehigh county, in other more productive real estate, or place the same upon interest, on real security, as may be deemed most proper to carry into effect the last will and testament of the said Jacob Steckel, deceased: Provided, That before this said sale shall take place, the said Regina Scholl shall enter into a bond, with security to be approved by the said court, for the faithful application of the proceeds of said sale, agreeably to the desire of said deceased.*

WILLIAM F. PACKER,  
*Speaker of the House of Representatives.*

WM. WILLIAMSON,  
*Speaker of the Senate.*

APPROVED—The fifteenth day of March, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

No. 142.

## AN ACT

Authorizing George W. Pearce to sell and convey the real estate of Eliza Jane Pearce.

WHEREAS, Joseph Pearce, late of the county of Chester, deceased, by his last will and testament duly proved, amongst other things did Preamble. give, devise, and bequeath as follows: "Item—I give to my wife Jane Pearce, the storehouse and lot during her natural life:"

*And whereas,* The said will containing no directions as to the remainder of said devise, it would descend to and be vested in the heirs-at-law of said decedent, at the death of the said widow:

*And whereas,* The said storehouse, owing to the want of repairs, has become unprofitable to the widow aforesaid, who is still living:

*And whereas,* Cromwell Pearce, junior, one of the heirs of said decedent being dead, leaves to survive him a daughter Eliza Jane Pearce, a minor, now residing in the state of Ohio:

*And whereas,* Owing to the absence of said Eliza Jane Pearce, and also owing to her minority, the widow and other heirs are unable to sell the premises aforesaid, under any existing laws of this commonwealth; therefore,

Power to sell.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That George W. Pearce is hereby authorized to sell, either at public or private sale, at any time hereafter, the interest of the said Eliza Jane Pearce in the said storehouse and lot, and to execute, acknowledge and deliver a deed in fee simple, to the purchaser or purchasers thereof, altogether discharged from the devise aforesaid, and from any obligation on the part of the purchaser or purchasers to see to the application of the purchase money.

Security to be given.

SECTION 2. That before selling the interest of the said Eliza Jane Pearce in the said real estate, the said George W. Pearce shall give bond, with security to be approved by the orphans' court of Chester county, conditioned that he will invest the proceeds of such sale, after deducting the expenses thereof, in real estate security, to be approved also by said court, and appropriate the interest thereof to Jane Pearce, the widow aforesaid, during her natural life, and at her death, to pay to the said Eliza Jane Pearce, or her heirs, the principal sum so invested.

WILLIAM F. PACKER,

*Speaker of the House of Representatives.*

WM. WILLIAMSON,

*Speaker of the Senate.*

APPROVED—The fifteenth day of March, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

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No. 143.

## AN ACT

To authorize the clerk of the orphans' court of York county to execute a deed for real estate of Frederick B. Cook, deceased, to Francis C. Polack.

Preamble.

WHEREAS, Under an order of the orphans' court of York county, Harriet C. Cook, administratrix of Frederick B. Cook, deceased, sold to Francis C. Polack a house and part of a lot of ground, situate in the borough of York, in said county, adjoining lots of doctor T. N. Haller and Henry Smyser, which was the real estate of said Frederick B.

Cook, said administratrix having given approved security for the faithful appropriation of the proceeds of said sale according to law, which sale was duly confirmed by said orphans' court:

*And whereas,* Since the confirmation of said sale, and before a deed was executed to said Francis C. Polack, the purchaser, he married said Harriet C. Cook, the administratrix, and he is desirous of obtaining a lawful deed for said real estate; therefore,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the clerk of the orphans' court of York county be and he is hereby authorized to execute to said Francis C. Polack, a deed for said real estate, which shall vest in him all the interest and estate of said Frederick B. Cook, in the same immediately before and at the time of his death. Power to convey.

WILLIAM F. PACKER,  
*Speaker of the House of Representatives.*

WM. WILLIAMSON,  
*Speaker of the Senate.*

APPROVED—The fifteenth day of March, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

No. 144.

### AN ACT

Authorizing John Keefe, of the county of Philadelphia, to sell and convey certain real estate.

*Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That John Keefe, of the county of Philadelphia, be and he is hereby authorized and empowered to sell and convey the real estate conveyed unto Elizabeth Gill, by George and Eleanor Black, by deed dated the twenty-seventh day of July, Anno Domini, one thousand eight hundred and twenty-six, in trust for Elizabeth Keefe, who is the only child of the said Elizabeth Gill, and wife of the said John Keefe; and the deed of the said John Keefe and Elizabeth his wife, made and acknowledged according to law, shall vest a good title in the purchaser or purchasers of said real estate, without obligation or liability on their part to see to the application of the purchase money.

WILLIAM F. PACKER,  
*Speaker of the House of Representatives.*

WM. WILLIAMSON,  
*Speaker of the Senate.*

APPROVED—The fifteenth day of March, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

No. 145.

## A N A C T

To authorize the trustees of Margareta Lamb to sell certain real estate.

Preamble.

WHEREAS, Samuel Carswell, late of the city of Philadelphia, merchant, deceased, by his last will and testament, duly proved the twelfth day of March, in the year of our Lord one thousand eight hundred and twenty-two, and remaining in the register's office at Philadelphia, did devise unto his daughter, Margareta Carswell, certain messuages and lots of ground, with the appurtenances, situate in the city of Philadelphia, to hold to her for during her natural life, and from and after her decease, unto all her children then living, and the issue of such as shall then be deceased, in equal shares in fee:

*And whereas*, On the twenty-third day of April, in the year of our Lord one thousand eight hundred and twenty-two, the said Margareta Carswell, in contemplation of Marriage with Lemuel Lamb, executed a deed of conveyance of all her estate, real and personal, in possession or expectancy, under the last will and testament of her father, the said Samuel Carswell, in trust for her sole and separate use during her natural life, and from and after her decease for such use as she by her last will shall appoint, and in default of such appointment, then to all her children then living, and the issue of such of them as may be dead, et cetera:

*And whereas*, Such is the location of said real estate, that the same may be greatly improved in value, and the income therefrom increased, by selling portions, and throwing open other portions thereof, for public or private use, as a street; therefore,

Trustees authorized to sell or exchange, &c.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same*, That the trustees of the estate of the said Margareta Lamb, under the marriage settlement aforesaid, and their successors, together with the guardian of the minor children of said Margareta Lamb, be and they are hereby authorized and empowered, with her consent and concurrence, to sell or exchange the said real estate, or any part thereof, and throw open for public or private use, as a street, any portions thereof, and to make, execute and deliver good and sufficient deed or deeds, to the purchaser or purchasers thereof, in fee simple, and vest the right of way of such private street in the persons for whom the same may be opened, free and discharged of and from any and every trust, contingency, limitation or restriction created by the said will and the marriage settlement aforesaid: *Provided however*, That before the said trustees shall execute any deed or deeds under this act, they shall give bond to the commonwealth, in such penalty and with such security as the court of common pleas for the city and county of Philadelphia may direct and approve, conditioned for the investment of the said consideration money, upon the same trusts, and for the same uses, estates and persons, as are declared, mentioned and set forth in the said will: *And provided further*, That any real estate received in exchange by the said trustees, shall be conveyed to and held by them, upon the same trusts as the real estate conveyed by them in exchange was held, at and before the time of such

Proviso.

Proviso.

exchange, and shall be held by them under and subject to all the powers granted by this act.

WILLIAM F. PACKER,  
*Speaker of the House of Representatives.*

WM. WILLIAMSON,  
*Speaker of the Senate.*

APPROVED—The fifteenth day of March, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

No. 146.

## AN ACT

Relative to the Harrisburg, Portsmouth, Mount Joy and Lancaster railroad company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That it shall be lawful for the Harrisburg, Portsmouth, Mount Joy and Lancaster railroad company, to make and construct a branch of their road, commencing at a point between Mount Joy and the tunnel, on said road, and extending by one or more tracks to or near the borough of Marietta, with the privilege of extending to, and connecting with the Columbia railroad, at or near Columbia. Power to construct a branch road.

SECTION 2. That in constructing and locating the said branch, and after the same shall have been completed, the said Harrisburg, Portsmouth, Mount Joy and Lancaster railroad company, shall be subject to all the provisions and restrictions imposed upon the said company, under existing laws, as fully and effectually as if the same were herein re-enacted in full detail. Subject to existing laws.

SECTION 3. That if the said company shall not complete the branch authorized by this act, within five years from the date of its passage, then this act shall be null and void; and the legislature hereby reserves the right to alter, revoke or annul this act, whenever, in their opinion, it may be injurious to the citizens of the commonwealth; in such manner, however, that no injustice shall be done to the corporators. Time of completion.

WILLIAM F. PACKER,  
*Speaker of the House of Representatives.*

WM. WILLIAMSON,  
*Speaker of the Senate.*

APPROVED—The sixteenth day of March, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

No. 147.

## AN ACT

To incorporate a company to erect a bridge over the river Schuylkill, at or near Laurenceville, in the county of Chester.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met. and it is hereby enacted by the authority of the same,* That

Commissioners.

for the purpose of erecting a bridge over the river Schuylkill, at or near Laurenceville, Frederick Setzler, Job Fudge, Isaac Shantz, doctor E. L. Bringham, Michael March, John Wilson, Samuel N. Rowland, William H. Price, David Y. Custer, Christian Swartz, of Chester county, Joseph Kendall, senior, Matthew Evans, John Stauffer and Benjamin Frick, of Montgomery county, are hereby appointed commissioners to do and perform the several duties hereinafter mentioned; that is to say, they shall, on or before the first day of May next, procure a book or books, and enter therein as follows:—“We whose names are

Form of subscription.

hereunto subscribed, do promise to pay to the president, managers and company, to erect a bridge over the river Schuylkill, at or near Laurenceville, for the use of the said company, the sum of fifty dollars for each share of stock set opposite our names respectively, in such manner and proportions, and such times and places, as shall be determined by the president and managers, in pursuance of an act of the general assembly of this commonwealth, entitled ‘An Act to incorporate a company to erect a bridge over the river Schuylkill, at or near Laurenceville, in the county of Chester.’ Witness our hands this day of \_\_\_\_\_;” and shall thereupon give not less than twenty

Notice.

days’ notice in at least one newspaper published in Chester, and one in Montgomery counties, of the time and places, when and where such book or books shall be opened to receive subscriptions for the stock of said company; at which time and places some one or more of said commissioners shall attend for that purpose, and keep open the said books six hours in each of three successive days, if so many shall be necessary, or until six hundred shares shall be subscribed, when the books shall be closed; but if the whole number of shares shall not be subscribed within that period, then said commissioners may adjourn from time to time, until said number of shares shall be subscribed:

Proviso.

*Provided always,* That every person on entering his name in the book as a subscriber, shall, at the time of subscribing, pay to the attending commissioners five dollars on every share so subscribed; out of which money shall be defrayed the expenses attending the taking of such subscription, and other incidental charges, and the remainder shall be paid over to the treasurer of the corporation as soon as the same shall be organized, and the officers thereof chosen as hereinafter directed.

Governor to issue letters patent.

SECTION 2. When eighty shares of the said stock shall have been subscribed, the said commissioners, or a majority of them, shall certify under their hands and seals the names of the subscribers, and the number of shares subscribed by each, to the governor; and thereupon it shall and may be lawful for the governor, by letters patent under his hand and seal of the state, to create and erect the subscribers, and if the said subscription be not full at the time, then also those who may



in future subscribe under the provisions of this act, a body corporate and politic in deed and law, by the name, style and title of "the president, managers and company of the Laurenceville bridge;" and by the said name the subscribers shall have perpetual succession, and shall be capable of holding their capital stock, and the increase and profits thereof, and of enlarging the same from time to time, by new subscriptions, in such manner and form as they shall think proper, if such enlargement be thought necessary to fulfil the intent and meaning of this act, and of purchasing and holding to them and their successors and assigns, and of selling, transferring and conveying, in fee simple, any less estate, all such lands, tenements, hereditaments and estates, real and personal, as shall be necessary to them in the prosecution of their work, and of suing and being sued, and doing all and every thing which a body politic and corporate may lawfully do.

**SECTION 3.** When ten or more persons shall have subscribed eighty shares of stock in said company, and shall have paid five dollars on each share so subscribed, the county commissioners of the county of Montgomery may, if they deem it expedient, subscribe for sixty shares of the stock on behalf of said county; and the county commissioners of the county of Chester may, if they deem it expedient, subscribe, on the part of said county, for sixty shares of the stock of said company; the subscription on the part of said counties, if so made, shall be paid by orders drawn on the treasurers of said counties respectively, within twenty days after the completion of the abutments and piers of said bridge; and the subscriptions and payment, so made on the part of said counties, shall, for every share subscribed by them, vest in such county commissioners and their successors, for the use of the county, all the rights and emoluments appertaining to a share or shares, as those held by individual stockholders; and after subscription and payment as aforesaid, the commissioners of each county shall and they are hereby authorized to appoint a manager in said county, at such time as they think proper, and remove the same, and appoint another in his place, whenever they deem it necessary; and the managers so appointed shall have all the rights, privileges, and authority of managers chosen by the stockholders.

Commissioners of Montgomery county may subscribe to stock.

Commissioners of Chester county may subscribe to stock.

**SECTION 4.** Any five persons named in the letters patent of the governor, as soon as conveniently can be, after giving notice in one or more of the newspapers published in Chester, and one or more published in Montgomery county, of a time and place by them appointed, not less than twenty days from the time of issuing the first notice, shall proceed with the subscribers to organize the said corporation, and shall, by a majority of votes of said subscribers present, by a ballot, to be delivered in person, or by proxy duly authorized, elect one president, eight managers, one treasurer, who shall serve until other officers shall be lawfully chosen as herein directed, and may make such rules, orders, regulations and by-laws, not inconsistent with the laws of this commonwealth, as shall be found necessary for the well ordering of the said company, and generally have all the powers, authorities and privileges necessary for erecting, maintaining and keeping in repair said bridge.

Organization.

Elect officers.

**SECTION 5.** A public meeting of the stockholders shall be held annually, at such time and place as shall be fixed by the rules and regulations of said company, for the purpose of choosing officers for the ensuing year, and the transaction of such business as shall come before them; and at such meeting or election, every person shall be entitled to one vote for every share under five shares, and one vote for every two shares over five and under ten shares, and one vote for every

three shares over ten shares: *Provided*, That no person shall have more than twenty-five votes at any election.

Certificates of stock.

SECTION 6. The president and managers shall procure certificates of stock in said company, which shall be signed by the president, and countersigned by the treasurer, and sealed with the seal of the corporation; and each stockholder shall be entitled to a certificate for each share by him subscribed or held, by paying to the treasurer, in part for the sum due thereon, ten dollars on each share; which certificate shall be transferable, either in person or by attorney, duly authorized in the presence of the president or of the treasurer for the time being, subject, however, to the payment due or growing due thereon; and the person to whom the transfer shall be made, shall stand in the place of the former holder, and be entitled to the same privileges, and liable to the same responsibilities to the company.

Transferable.

Quorum.

SECTION 7. The said president and managers shall meet at such time and places, and be convened in such manner as shall be prescribed by the by-laws; at which meetings five managers shall be a quorum, who, in the absence of the president, may appoint a chairman, and shall keep minutes of all their proceedings and transactions, truly asserted, in a book; and at such meeting, a quorum being present, they shall have full power and authority to agree with and appoint such engineer, superintendents, artists and other officers as they shall think necessary for the erection of said bridge, and to fix their salaries and wages, or at their discretion make contracts for the erection and construction of the same, or any part thereof; they shall also determine the times, manner and proportion in which the stockholders shall pay the money due on the respective shares, draw orders on the treasurer for the money necessary to pay salaries, wages and bills for work or materials, on account of contracts; which orders shall be signed by the president, or in his absence, by a majority of the quorum, and countersigned by the clerk; and also to do all matters and things as by this act or by the by-laws of said company shall be committed to them.

Power and duties.

Delinquent stockholders.

SECTION 8. If any stockholder, after thirty days' notice, given in at least one newspaper published in each of the counties of Chester and Montgomery, of the time and place appointed for the payment of any instalment of said capital stock, shall neglect to pay said instalment at the time appointed, every such stockholder, or his assignee, shall, in addition to the proportion so called for, pay at the rate of one per cent. per month for every delay of such payment; and if the same, and the additional payment, shall remain unpaid for such a space of time that the accumulated penalties shall be equal to the sum before paid, or amount of such share, the same shall be forfeited to the company, and may be sold by them to any other person for such price as can be obtained therefor; or the president and managers may sue for and recover the same before any justice of the peace, or before any court of competent jurisdiction.

Increase number of shares.

SECTION 9. Whenever it shall appear to the said president, managers and company, at any general or special meeting, that the said bridge cannot be completed without extending the number of shares, they shall be extended under the direction of such meeting, so far as may be necessary to complete said bridge; which additional shares shall be sold by the president, and shall entitle the holder to the same rights and privileges as those originally subscribed.

Tolls.

SECTION 10. When a safe passage may be had across said bridge, the property shall be invested in the said company, their successors and their assigns forever; and the said company and assigns are hereby empowered to erect gates, and to demand and receive toll not exceeding

the following rates, to wit: For every score of sheep, six cents; for every score of hogs, ten cents; for every score of cattle, twenty five cents, and so for a greater or less number; for every horse or mule, three cents; for every horse and rider, four cents; for every foot passenger, one cent; for every sulkey, chair or chaise, with one horse and two wheels, ten cents; for every pleasure carriage, with four wheels and one horse, twelve and a-half cents; for chariot, coach, phaeton or chaise, with two horses and four wheels, fifteen cents; for the aforesaid carriage, with four horses, twenty cents; and every other carriage of pleasure, under whatever name, the like sum, according to the number of horses drawing the same; for every wagon for burden and agricultural use, for one horse, five cents; for every such wagon drawn by two horses, ten cents; for every such wagon drawn by four horses, twenty cents; for every sleigh, five cents, and for every horse drawing the same, five cents; and two oxen shall be estimated equal to one horse: *Provided*, That the said bridge shall be so constructed as to admit any load not exceeding four tons, and not drawn by more than six horses or oxen, at all times to cross it; the said president and managers, however, to have the power to increase the rate of toll to be demanded for any carriage of burden crossing said bridge, laden with more than four tons, to an amount not exceeding the above rates, and grade the rate of horses drawing the same. Proviso.

SECTION 11. If the said company or their successors, or any person or persons by their authority, shall collect or demand any greater toll for passing over said bridge than is herein prescribed and specified, or shall neglect to keep the same in good repair, or to keep a list of the rates of toll placed near the bridge, on ten days' notice given by a justice of the peace of either of said counties, they so offending shall, for every offence, forfeit and pay the sum of five dollars, to be recoverable as debts of the same amount are by law recoverable, one moiety thereof to the use of the poor of the county where recovered, and the other moiety to the use of the person who shall sue for the same; but no suit shall be brought unless commenced within thirty days after the offence shall have been committed. Penalty for collecting or demanding unlawful tolls.

SECTION 12. The said president and managers shall keep a just and true account of all the moneys received as toll for crossing the said bridge or otherwise, and shall make and declare a dividend of the profits and income, after deducting costs, expenses and charges, and shall on the first Monday of January in every year, publish the dividends to be made of the clear profits hereof among the stockholders, and of the time and place, when and where the same is to be paid, and shall cause it to be paid accordingly: *Provided*, That it shall be lawful for the said president and managers, in making and declaring any dividend, to reserve such sum or proportion of the clear yearly income, not exceeding four per cent. of the capital stock, as they may think proper to form a contingent fund, for the purpose of repairing and re-building the said bridge in case of decay or injury, and the same to invest on such security, or in such stock as they shall deem safe and productive, and the interest arising from the same again to invest, and the same stock again to sell or transfer at any time, when the funds may be required for the purpose aforesaid. Accounts.  
Dividend.  
Proviso.

SECTION 13. If any person or persons shall wilfully pull down, break, injure or destroy any part of said bridge, or any toll house, gates, bars or any other property of the said corporation, appertaining to or erected for the use and convenience of said bridge, or of the person employed for the purpose of attending to the same, or shall wilfully, without the consent or order of the said corporation, deface or destroy any list of Penalty for injuring or destroying the property of the company.

the rates of toll affixed in any place for the information of passengers and others, or who shall wilfully or maliciously obstruct or impede the passage on or over the said bridge, or any part or parts thereof, he, she or they so offending, shall each of them forfeit and pay for each and every such offence, to the said corporation, the sum of ten dollars, to be recovered before a justice of the peace as debts of like amount are recoverable; and if any person shall be guilty of carrying any lighted segar or pipe, or of carrying fire in any manner whatsoever over said bridge, except in a lantern, or in some vessel secured, so that the probability of setting fire to said bridge shall be fully prevented, or who shall discharge any pistol or gun, or any fire arms on or near said bridge, so that the said bridge, by possibility, be set on fire or injured by said causes, he or she so offending, shall forfeit and pay said corporation the sum of five dollars for every such offence, to be recovered as aforesaid.

Commencement  
and completion.

SECTION 14. If the said company shall not proceed to carry on the said work within three years after they shall have been incorporated, or shall not within the space of five years thereafter complete the said bridge, it shall and may be lawful for the legislature of this commonwealth to resume all and singular the rights, liberties, and privileges hereby granted to said company.

Proceedings to  
make it a free  
bridge.

SECTION 15. If at any time hereafter the counties of Montgomery and Chester, or either of them, the state of Pennsylvania, or any incorporated town in this state, shall think proper to purchase the said bridge for the purpose of making it a free bridge, the said company shall be obliged to sell the said bridge for such a sum as a majority of twelve disinterested men, appointed by the court of common pleas in either of the above mentioned counties, may judge the same to be worth; and that so much of any act or acts of assembly as are hereby altered or supplied, be and the same are hereby repealed.

Reservation.

SECTION 16. That the legislature hereby reserve the right to alter, amend or annul this act, whenever in their opinion it may become necessary for the public good: *Provided*, That no injustice be done thereby to the corporators.

WILLIAM F. PACKER,

*Speaker of the House of Representatives.*

WM. WILLIAMSON,

*Speaker of the Senate.*

APPROVED—The fourteenth day of February one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

No. 148.

## AN ACT

Relating to certain real estate.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That

William B. Norris, guardian of William B. Patton and John N. Patton, children of Samuel Patton, formerly of Mifflin county, deceased, who are minors, shall be and he is hereby fully authorized and empowered to compromise, on behalf of his said wards, any claim which they may have or hold to any lands, tenements or hereditaments, in the county of Huntingdon, Blair or Centre, and to sell at public or private sale, at his discretion, such claim, interest or estate in the same, or to join with the other children of said deceased, who are of age, in such compromise or sale, and to make, execute and deliver to the purchaser or purchasers, a good and sufficient deed, conveying and assuring to such purchaser or purchasers, his or their heirs and assigns, all the interest, right, title and estate which his said wards may have, hold or claim therein: *Provided*, That such compromise or sale shall be subject to the approval of the orphans' court of Mifflin county.

Guardian of minor children of Samuel Patton, authorized to compromise and sell real estate.

Proviso.

SECTION 2. That Jacob Weaver, of the city of Lancaster, is hereby authorized and empowered to sell at public or private sale, at such time or times, and upon such terms as he may deem most advantageous, the following described real estate, of which the said John Weaver died seized and possessed of, to wit: Lots, numbers eight, forty-nine, fifty, fifty-two, fifty-six and two hundred fifty-six, situate and lying, and being in the borough of Marietta, in the county of Lancaster, and state of Pennsylvania; the undivided one-half part of lot, number one hundred and eight, situate in the town of Westphalia, continued in the county of York, and state aforesaid; lots, numbers three, thirty-four, fifty-three and one hundred and twenty-nine, in the village of Manchester, in the county of York, and state aforesaid; and a tract of land, unimproved, containing two hundred and twenty-five acres, situated in the township of Ringua, in the county of Warren, and state aforesaid, and to convey the same to the purchaser or purchasers thereof, by deed duly executed and acknowledged: *Provided*, That before any such sale shall be made, as aforesaid, the said Jacob Weaver shall give security, to be approved of by the orphans' court of Lancaster county, for the proper application of the moneys arising from such sale, made in pursuance of the authority hereby given.

Jacob Weaver, authorized to sell real estate of John Weaver.

Proviso.

SECTION 3. That so much of the act, passed the eighteenth day of March, A. D. one thousand eight hundred and forty-seven, entitled "An Act authorizing the Spring Garden association to sell and convey certain real estate," &c., as requires the interest arising from the investment mentioned in said act, to be paid semi-annually to "The Christian home missionary society," and to be by them applied to the purchase of food, be and the same is hereby repealed; and in lieu thereof, "The commissioners of the district of Spring Garden" shall themselves expend the proceeds of said investment in fuel, to be by them, or some suitable person or persons chosen by them, distributed

Act relating to Christian home missionary society, repealed.

Commissioners of Spring Garden to distribute funds.

to such persons, and at such times, as are designated in the above recited act of assembly.

SECTION 4. That so much of any act as is hereby altered or supplied, be and the same is hereby repealed.

**Preamble.**

WHEREAS, Walter Follet, late high sheriff of the county of Susquehanna, by virtue of certain proceedings in a certain suit, in which one John C. Van Epps was plaintiff, and one John Richmond was defendant, did sell to the said John C. Van Epps all that certain piece or parcel of land situate, lying and being in the township of Springville, in the county of Susquehanna, bounded and described as follows, to wit: Beginning at a stake standing in the west line of land of Jotham Taylor, the south-west corner hereof, and the north corner of land occupied by John Potter; thence by Jotham Taylor's lot north eighty-six perches to a stake, the north-east corner hereof; thence west by lands of Peter Hollenback eighty-two perches, to a stake standing in the east line of William Avery's land; thence by land of said Avery and Justus Smith south ten degrees west ninety-two perches, to a stake, the south-west corner hereof; thence east one hundred perches, to the place of beginning, containing fifty acres and ninety-nine perches, strict measure, &c.; and did acknowledge a deed therefor, in open court of common pleas in and for said county, on the twenty-fourth day of July, A. D. one thousand eight hundred and forty-two, which deed was not delivered to the said Van Epps, and has since been lost or mislaid:

*And whereas*, Thomas Johnson, late high sheriff of the same county, on the fifteenth day of January, A. D. one thousand eight hundred and forty-four, did execute a deed to one Joseph T. Richards, of all the interest of the said John C. Van Epps in and to the same premises; which deed was, on the twenty fourth day of January, A. D. one thousand eight hundred and forty-four, by the said sheriff, duly acknowledged in open court of common pleas in and for said county of Susquehanna; therefore,

Title of Joseph Richards confirmed.

SECTION 5. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same*, That the title of the said Joseph Richards to and in the premises above described, be and the same is hereby confirmed to him and his heirs and assigns, as fully and effectually, to all intents and purposes, as the title thereto would have vested in the said John C. Van Epps, had the aforesaid deed been, by the said late sheriff, duly delivered to him in pursuance of said sale, &c.

D. W. Kerr, guardian of Nancy Dickey, empowered to sell real estate.

SECTION 6. That Dr. William Kerr, guardian of Nancy E. Dickey, minor child of the reverend John Dickey and Eliza A. his wife, who are both deceased, be and he is hereby authorized to sell and convey, on such terms, and on such time and manner as the orphans' court of Allegheny county may on petition direct, all that certain messuage and tract of land situate in the township of Upper St. Clair, in said county, bounded by lands of Moses Dunlany, William Sick, John Siek, Nancy Henry, the Pittsburg and Washington turnpike road, and by lands of Moses Dunlany and others, containing forty-six acres and thirteen perches, upon his giving bond, with security to be approved by the court, in such sum as said court may direct, for the faithful application of the proceeds of said sale.

Proceeds to be distributed.

SECTION 7. That the proceeds of said sale shall be first applied, under the order of said orphans' court, to the payment of all debts which are a lien upon the real estate which said minor inherited from her mother, Eliza A. Dickey, deceased, and the residue, if any, be

invested at interest for the use of said minor, under the direction of said court, in the manner pointed out by the fourteenth section of an act relating to orphans' court, passed the twenty-ninth March, one thousand eight hundred and thirty-two.

SECTION 8. That the purchaser of said land shall have, hold and possess the same, of the same title and estate, as fully as the said reverend John Dickey was seized and possessed thereof, at and immediately preceding his death. Title confirmed in purchaser.

WHEREAS, Martha Dixon, daughter of Isaac Parson, deceased, late of Centre county, Pennsylvania, sold and conveyed for a valuable and bona fide consideration, all her interest in her deceased father's estate to Joseph R. Fulton, of Clearfield county: Preamble.

*And whereas,* In giving to her said husband a power of attorney to sell and convey the same, an acknowledgment, separate and apart from her said husband, was not made by mistake of the officer who executed the writing:

*And whereas,* The share of said estate coming to the said Martha Dixon has been reduced to money, and amounts to forty-seven dollars and forty-eight cents, which said sum is now in the hands of T. Miller Hall, esquire, sheriff of Centre county, who is desirous to pay the same to the person entitled to receive it; therefore,

SECTION 9. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the said T. Miller Hall, esquire, sheriff of Centre county, he and he is hereby authorized to pay over to Joseph R. Fulton, or his attorney, the said sum of forty-seven dollars and forty-eight cents, being the share of Martha Dixon, arising from the proceeds of the sale of her deceased father, Isaac Parson's real estate, now in his hands, notwithstanding no acknowledgment, separate and apart from her said husband, was made to the power of attorney by her executed. T. M. Hall, she-  
riff, to pay over  
certain moneys to  
Joseph R. Fulton

WILLIAM F. PACKER,  
*Speaker of the House of Representatives.*

WM. WILLIAMSON,  
*Speaker of the Senate.*

APPROVED—The sixteenth day of March, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

No. 149.

## AN ACT

Relating to the Philanthropic burial ground association of Philadelphia county.

Penalty for injury to works, &amp;c.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* if any person shall open any tomb or grave in the lands of the cemetery of the Philanthropic burial ground association of Philadelphia, and clandestinely remove or attempt to remove any body or remains therefrom, such person, upon conviction thereof, shall be sentenced to undergo an imprisonment in the prison of the county of Philadelphia, at hard labor, for a term of not less than one or more than five years, and pay a fine not less than five hundred dollars, at the discretion of the court of quarter sessions for the county of Philadelphia; and any person who shall wilfully destroy, mutilate, deface, injure or remove any tomb, monument, grave stone, or other structure placed in the cemetery aforesaid, or any fence or railing, or other work for the protection or ornament of said cemetery, or of any tomb, monument, grave stone, or other structure placed therein as aforesaid, or shall wilfully destroy, cut, break, or remove any tree, shrub, or plant within the limits of said cemetery, or shall shoot or discharge any gun, or other fire arms within said limits, shall, upon conviction thereof before any justice of the peace or alderman of the county of Philadelphia, be punished by a fine at the discretion of the justice or alderman, according to the aggravation of the offence, of not less than five nor more than fifty dollars.

Lots transferable.

Exemption from taxation.

Proviso

Proviso.

SECTION 2. That every lot in the said cemetery of the Philanthropic burial ground association of Philadelphia, shall be held by the proprietor for the purpose of sepulture alone, transferable with the consent of the president and managers thereof, and shall not be subject to attachment or execution; and the said cemetery shall hereafter forever be exempted from taxation: *Provided*, That nothing herein contained shall be construed to exempt the said cemetery from State taxation: *And provided further*, That the said exemption from attachment or execution, shall not extend to more than four lots held or owned by any one person in the said cemetery.

WILLIAM F. PACKER,  
*Speaker of the House of Representatives.*

WM. WILLIAMSON,  
*Speaker of the Senate.*

APPROVED—The sixteenth day of March, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.



No. 150.

## AN ACT

To authorize the citizens of Barree township, in the county of Huntingdon, to elect three supervisors of roads for said township, and in relation to the road laws in the townships of East Bradford and Kennett, in Chester county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the qualified voters of the township of Barree, in the county of Huntingdon, shall on the third Friday of March, one thousand eight hundred and forty-eight, and annually thereafter, at the time appointed by law for the election of township officers, elect three, instead of two as heretofore, supervisors of roads for said township of Barree, who shall perform all the duties, and be subject to like penalties for neglect of duty, as are now imposed on supervisors of roads by the laws of this commonwealth.

Barree township  
to elect three su-  
pervisors.

SECTION 2. That the fourth and fifth sections of an act, entitled "An Act authorizing the commissioners of the county of Philadelphia, upon certain conditions, to widen, grade and culvert a certain portion of Broad street in said county, and for other purposes," passed the twenty-seventh day of March, eighteen hundred and thirty-nine, be and the same is hereby repealed, so far as the same applies to the township of East Bradford and Kennett, in the county of Chester; and the provisions of an act, entitled "An Act relating to roads, highways and bridges," passed June thirteenth, eighteen hundred and thirty-six, be and the same are hereby restored and extended to the townships aforesaid.

Road laws rela-  
tive to East Brad-  
ford and Kennett  
township, in  
Chester county.

WILLIAM F. PACKER,  
*Speaker of the House of Representatives.*

WM. WILLIAMSON,  
*Speaker of the Senate.*

APPROVED—The sixteenth day of March, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

## No. 151.

## A FURTHER SUPPLEMENT

To an act to create permanently the office of state printer, passed March twenty-fourth, one thousand eight hundred and forty-three.

**SECTION 1.** *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* there shall hereafter be printed five thousand six hundred copies of the laws in the English language, fifty-five copies of which shall be full bound in unsplit sheep skin of the best quality, and twenty copies of the same shall be side labelled "Table of the Senate," thirty copies shall be side labelled "House of Representatives," and five copies shall be labelled "State Library:" *Provided, That this section shall not take effect until the expiration of the present contract with the printer of the laws in the English language, unless he shall consent thereto, by furnishing the additional copies hereby authorized, at the prices named in said contract.*

Print an increase  
number of laws.

Proviso.

Part of act re-  
pealed.

**SECTION 2.** That so much of the act of one thousand eight hundred and seventeen, as authorizes the distribution of a copy of the laws to each of the election districts of the commonwealth, and so much of the act to which this is a supplement as is hereby altered or supplied, be and the same are hereby repealed.

WILLIAM F. PACKER,  
*Speaker of the House of Representatives.*

WM. WILLIAMSON,  
*Speaker of the Senate.*

APPROVED—The sixteenth day of March, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

## No. 152.

## AN ACT

To authorize the voters of the Independent Harmony school district of Loyalhanna and Derry townships, in Westmoreland county, to elect their school directors at the school house of said district.

**SECTION 1.** *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That the legal voters of the Independent Harmony school district, composed*

of parts of Loyalhanna and Derry townships, in the county of Westmoreland, shall hereafter elect their school directors at the school house of the said district, on Thursday preceding the third Friday in May in the present year, and thereafter on Thursday preceding the third Friday in March in each year, between the hours of twelve o'clock noon, and four o'clock, P. M., and that the president and secretary of the board of directors be the proper officers to hold said elections; and further, it shall be the duty of the secretary to give public notice in said district, at least ten days' previous to said election.

Place for holding  
school elections.

WILLIAM F. PACKER,  
*Speaker of the House of Representatives.*

WM. WILLIAMSON,  
*Speaker of the Senate.*

APPROVED—The sixteenth day of March, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

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No. 153.

## AN ACT

Authorizing the laying out of a state road leading from Tamaqua to Kutztown.

*Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That Henry Voute, of Schuylkill county, Jonas Haas, Willoughby Fogle, of Lehigh county, and Peter Klein and Henry Hottensine, of Berks county, be and they are hereby appointed commissioners to view and lay out a road from Tamaqua, in Schuylkill county, by Steinsville, in the county of Lehigh, to the borough of Kutztown, Berks county, by the nearest and best route. Commissioners.

SECTION 2. It shall be the duty of the said board of commissioners, or a majority of them, after taking and subscribing an oath or affirmation before a justice of the peace, to perform the duties enjoined on them by this act with fidelity and impartiality, to carefully view the ground over which the said road may pass, and lay out the same as near to a straight line from point to point, as the nature of the ground will permit, so that the vertical departure from a horizontal line shall at no place exceed five degrees, excepting only at the crossing of ravines and streams, when by moderate filling or bridging the declination of the said road, it may be preserved within that limit. Duties.

SECTION 3. That it shall be the duty of the said commissioners plainly to mark the ground on the route agreed upon for the road aforesaid, in such manner as to enable the supervisors readily to find the same; and for the purpose of fulfilling the duties in this act enjoined, the said commissioners are hereby authorized to employ one surveyor at a per diem allowance not exceeding two dollars, and two chain carriers at a per diem allowance not exceeding one dollar; and the said Mark ground.  
Compensation.

commissioners respectively, shall receive a per diem allowance not exceeding one dollar and fifty cents, for each and every day necessarily spent in the discharge of the duties enjoined by this act, to be paid in manner and form hereinafter directed.

**Drafts.**

SECTION 4. That it shall be the duty of said board of commissioners to make out a fair and accurate draft of the location of said road respectively, noting thereon courses and distances as they occur, the improvements passed through, and also the crossing of township lines, roads and waters, with such other matters as may serve for explanation; one copy whereof to be deposited in the office of the secretary of the commonwealth, on or before the first day of January next, and one copy in the offices of the clerks of the courts of the respective counties in which said road may be laid out, on the day aforesaid, or as much sooner as practicable; and said road shall, to all intents and purposes, be a public highway, and shall be opened to the breadth and repaired in all respects as roads are opened and repaired which are laid out by order of the courts aforesaid.

**Accounts of commissioners.**

SECTION 5. That the accounts of the said commissioners for their own pay, and the pay of the surveyor and chain carriers, and-so-forth, shall be made out and returned to the commissioners of such counties in which said road may be laid out, in proportion to the time spent in the respective counties in locating said road, and that they be paid out of the treasury of each of the respective counties, on warrants drawn in the usual way.

**Time of meeting.  
Vacancies, how  
supplied.  
Period for com-  
pletion extended.**

SECTION 6. And the said commissioners shall meet on or before the first day of August next, or as soon thereafter as practicable, and complete the view of said road as soon as practicable; and if any vacancy or vacancies occur, shall fill said vacancy or vacancies, by the appointment of suitable persons, who shall perform said duties.

WILLIAM F. PACKER,

*Speaker of the House of Representatives.*

WM. WILLIAMSON,

*Speaker of the Senate.*

APPROVED—The sixteenth day of March, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

No. 154.

**A N A C T**

Vacating part of a certain state road leading from the towing-path bridge across Connequenessing creek, in Beaver county, to Perrysville, Allegheny county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That so much of the act of the sixteenth day of July, one thousand eight*

hundred and forty-two, entitled "An Act concerning the trust estate of Hugh Roberts, deceased, and for other purposes," authorizing the location of a state road leading from the towing-path bridge across Connequenessing creek, in Beaver county, to Perrysville, in Allegheny county, as extends the said road from a point where it intersects the Darlington and Pittsburg state road, near the residence of Christian Black, in Feazle township, Beaver county, to the said towing-path bridge across Connequenessing creek, in said county, be and the same is hereby repealed; and that part of the said road lying between the said points, be and the same is hereby vacated.

WILLIAM F. PACKER,  
*Speaker of the House of Representatives.*

WM. WILLIAMSON,  
*Speaker of the Senate.*

APPROVED—The sixteenth day of March, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

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No. 155.

## SUPPLEMENT

To the act to incorporate the Wiconisco canal company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* the period for the completion of the Wiconisco canal be and the same is hereby extended for the term of two years from the thirteenth March, one thousand eight hundred and forty-eight, subject to all the reservations, restrictions, provisions and penalties contained in the act of incorporation to which this is a supplement. Period for completion extended.

WILLIAM F. PACKER,  
*Speaker of the House of Representatives.*

WM. WILLIAMSON,  
*Speaker of the Senate.*

APPROVED—The sixteenth day of March, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

No. 156.

## AN ACT

Authorizing Orris Hall to sell certain real estate in the township of Conewango, in the county of Warren.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* Orris Hall, to whom was conveyed in trust for the use of Jane Patterson, her heirs and their assigns, certain real estate in the township of Conewango, in the county of Warren, together with the appurtenances, including a certain water privilege, be and he is hereby authorized to sell the same, for the use of the heirs of the said Jane Patterson, deceased: *Provided, That* before making sale of the said estate, the said Orris Hall shall give bond, with security, to be approved by the orphans' court of Warren county, for a faithful division and application, according to the true intent of this act, of all moneys that may be received by him, which bond shall be filed in the orphans' court of said county.

WILLIAM F. PACKER,  
*Speaker of the House of Representatives.*

WM. WILLIAMSON,  
*Speaker of the Senate.*

APPROVED—The sixteenth day of March, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

No. 157.

## AN ACT

Authorizing the inhabitants of Guilford township, in the county of Franklin, to elect four supervisors of the roads.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* from and after the passage of this act, it shall and may be lawful for the electors of Guilford township, Franklin county, to elect annually, at their usual place of electing township officers, four qualified citizens

for supervisors of the road, subject to the same rules and regulations by which supervisors are now by law regulated.

WILLIAM F. PACKER,  
*Speaker of the House of Representatives.*

WM. WILLIAMSON,  
*Speaker of the Senate.*

APPROVED—The sixteenth day of March, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

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No. 158.

# AN ACT

To authorize John Duffy, of the borough of Butler, to make and execute a deed for a certain out-lot in said borough.

WHEREAS, James Suraney and Sarah his wife, by deed dated the tenth day of April, A. D. one thousand eight hundred and forty-three, and recorded in Butler county, in book P, pages three hundred and ninety-six and three hundred and ninety-seven, did convey in fee to John Duffy, of the borough of Butler, Butler county, commonwealth of Pennsylvania, a certain in-lot in said borough of Butler, and numbered according to the general plan of said borough, (147,) one hundred and forty-seven: Preamble.

*And whereas,* Likewise John Suraney and Rosana his wife, by deed dated the third day of March, A. D. one thousand eight hundred and forty-three, and recorded in said county, in book N, page one hundred and forty-seven, did convey in fee to the said John Duffy, a certain other in-lot in said borough of Butler, and numbered in the general plan of said borough, No. 153, one hundred and fifty-three; which said conveyances were nevertheless in trust that the said John Duffy should sell, dispose of or exchange the same for the purchase of a suitable place for the building of a church for the Roman Catholic congregation of Butler:

*And whereas,* The said John Duffy has effected an exchange, by and with the consent and approbation of the trustees of said congregation, by agreeing to convey in due form, in fee, for the use of said congregation, a certain portion of out-lot, No. 22, in the said borough, which is already marked out and designated; and in consideration of said conveyance to be made, the said trustees are anxious to have power granted, to vest in said John Duffy, absolutely, in fee, discharged of the trust, the said two in-lots, Nos. 147 and 153;

SECTION 1. *Therefore, Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General*

Power to sell to  
Roman Catholic  
church of Butler.

*Assembly met,* That as soon as the said John Duffy shall make and execute a good and sufficient conveyance to the right Rev. Michael O'Conner, Roman Catholic bishop of Pittsburg, and to his successors in office, in trust for the Roman Catholic church of Butler, or such other form of trust as the rules of the church may require, for that part of out-lot, No. 22. in the borough of Butler, which has been designated for the use of the said congregation, then it shall be lawful for the said right Rev. Michael O'Conner to make a deed of conveyance, in fee for same in-lots, Nos. 147 and 153, in the borough of Butler, free, clear and discharged of any kind of trust.

Certain real es-  
tate vested in bo-  
rough of Eliza-  
bethtown, Lan-  
caster county.

SECTION 2. That lot, number twelve, in that part of the borough of Elizabethtown, Lancaster county, laid out by Michael Ruby, and the school house thereon erected, is hereby vested in the borough of Elizabethtown; and the burgess and town council of the said borough shall have power to repair, improve, sell or lease said lot and building, the proceeds of such sale or lease to be deposited in the borough treasury, for the use of the said borough.

WILLIAM F. PACKER,

*Speaker of the House of Representatives.*

WM. WILLIAMSON,

*Speaker of the Senate.*

APPROVED—The sixteenth day of March, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

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No. 159.

## AN ACT

To authorize the trustees of the Evangelical Lutheran congregation of Williamsburg, to sell and convey certain real estate.

Power to sell.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That Philip Michaus, Peter Hess and Joseph Keesy, trustees of the Evangelical Lutheran congregation of Williamsburg, in the county of Blair, or their successors in office, be and they are hereby authorized and empowered to sell, by public or private sale, and convey by deed or deeds, in fee simple, to the purchaser or purchasers, a certain house and lot of ground, with the appurtenances, now belonging to said congregation, situated on Main street, near the canal, in the said town of Williamsburg, and county of Blair; and the proceeds of such sale shall be paid to, and received and held by said trustees or their successors, for the use and benefit of the said Evangelical Lutheran congregation of



Williamsburg, to be applied and disposed of as the members of said congregation, or a majority of them, may direct.

WILLIAM F. PACKER,  
*Speaker of the House of Representatives.*

WM. WILLIAMSON,  
*Speaker of the Senate.*

APPROVED—The sixteenth day of March, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

No. 160.

# AN ACT

To authorize the managers of the M'Veytown bridge company, in Mifflin county, to sell certain property.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That the board of managers of said corporation are hereby vested with full power and authority to sell at public sale, all the property belonging to said corporation, of what kind soever, consisting of the site or right of way abutments, piers, and that part of the superstructure which was saved, and apply the proceeds to the payment of the claims against the said corporation: Provided, That notice of the time and place of sale be given at least five advertisements, put up in the most conspicuous places at and within the neighborhood of the premises, at least twelve days prior to the day of sale.*

WILLIAM F. PACKER,  
*Speaker of the House of Representatives.*

WM. WILLIAMSON,  
*Speaker of the Senate.*

APPROVED—The sixteenth day of March, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

No. 161.

## A N A C T

Relating to the election of township officers in the county of Blair.

Township elec-  
tions to be held  
on third Friday in  
February.

Time of holding  
changed.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the elections for inspectors and judges of the general election, assessors, and all the township officers authorized by the existing laws of this commonwealth, in the said county of Blair, shall be held during the same hours, and by the persons appointed to hold the election of inspectors and assessors, on the third Friday in February of every year.

SECTION 2. That the fifty-third section of the act, entitled "An Act relating to the elections of this commonwealth," passed the second day of July, one thousand eight hundred and thirty-nine, so far as the same relates to the said county of Blair, be and the same is hereby repealed.

WILLIAM F. PACKER,

*Speaker of the House of Representatives.*

WM. WILLIAMSON.

*Speaker of the Senate.*

APPROVED—The eighteenth day of March, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

No. 162.

## A N A C T

To increase the capital stock of the Hollidaysburg and Bennington railroad company.

Preamble.

WHEREAS, It having been ascertained that it is necessary to increase the length of the Hollidaysburg and Bennington railroad, located in Blair county, from eight miles, as originally contemplated, to the length of twelve miles, or upwards, to make it practically useful; and it is now permanently located, and part of the work done on it, at said increase of length of about twelve miles or upwards; and it having also been ascertained that the present capital stock of said company, of one hundred thousand dollars, is insufficient to construct the said railroad as now located and in process of construction, in a proper and substantial manner, and make the necessary fixtures, and such like matters necessary for the proper and convenient use of said railroad, and pay the damages necessarily to be paid, to the owners of lands through which it passes;

and that to do this, will require an additional sum or capital of about fifty thousand dollars; therefore,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* the said Hollidaysburg and Bennington railroad and mining company *is hereby authorized to increase its capital stock an additional sum or amount of fifty thousand dollars, in shares of fifty dollars each, beyond its original proposed capital stock of one hundred thousand dollars: Increase capital stock.* *Provided, That the whole amount of said proposed additional increase* *Proviso.* *of fifty thousand dollars of capital stock of said company, shall be exclusively applied to the proper and substantial construction of said railroad, now located and in process of construction, to the making of the necessary fixtures, and such like matters necessary for the proper and convenient use of said railroad, and to the paying the damages necessary to be paid to the owners of lands through which said road passes.*

WILLIAM F. PACKER,  
*Speaker of the House of Representatives.*

WM. WILLIAMSON,  
*Speaker of the Senate.*

APPROVED—The eighteenth day of March, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

No. 163.

## A FURTHER SUPPLEMENT

To the act incorporating the Dauphin and Susquehanna coal company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* the law to incorporate the Dauphin and Susquehanna coal company *is hereby amended so as to authorize said company so to locate and construct their railroad or canal, as to connect with the state improvements, and other public improvements in Dauphin or Lebanon counties, in such manner, however, as in no way injuriously to affect said improvements, and subject to the like provisions with regard to entering upon land and damages, as are contained in the twelfth section of an act, entitled "An Act to authorize the governor to incorporate the Harrisburg and Pinegrove railroad company," passed March twenty-fourth, one thousand eight hundred and forty-two; and the said Dauphin and Susquehanna coal company are hereby authorized to increase their number of shares from fourteen thousand, at fifty dollars per share, to sixteen thousand shares, and to dispose of not more than six thousand shares, at such prices as they may think proper, for the purpose of constructing their railroad or canal, and the works connected therewith;* *May form a connection with other improvements.* *Damages.* *Increase number of shares.*

and also to furnish the same with locomotive engines, cars, and such other fixtures and machinery as shall be necessary for the transaction of the business of said company.

WILLIAM F. PACKER,  
*Speaker of the House of Representatives.*

WM. WILLIAMSON,  
*Speaker of the Senate.*

APPROVED—The eighteenth day of March, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

No. 164.

## AN ACT

To authorize the trustees of the Norristown academy, and the directors of common schools in the borough of Norristown, to sell certain real estate, and appropriate the proceeds for school purposes.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the trustees of the Norristown academy, in the county of Montgomery, are hereby authorized to sell the academy and lot of ground, with the appurtenances, for the best prices that can be obtained, and convey the same to the purchaser in fee simple: *Provided,* The same shall not be sold for less than three thousand dollars, and that the purchase shall not be made, directly or indirectly, by the corporation of the borough of Norristown; and any such purchase made by said corporation of said premises, or any part thereof, shall be null and void.

Trustees authorized to sell lot of ground.  
Proviso.

Distribution of proceeds.

SECTION 2. The balance of the money arising from said sale, after paying the liens and claims against the premises for curbing and paving the side-walks of the street in front of the academy, shall be paid by said trustees to the school directors of the Norristown school district, to be used by them in purchasing a lot of ground in said district, and erecting thereon a suitable building, or erecting such building on a lot of ground already purchased and owned by said directors, for a common or public school house for said district; (one room or apartment of which shall be for a high school, in which the said school directors shall cause to be taught, if required, the mathematics and Latin and Greek languages, with such other branches as they shall think proper; and they shall receive therein, beside those residing in the district, any number of pupils, not exceeding ten, who shall apply for admission, and who shall be adjudged by the directors sufficiently advanced to enter the same, who may reside out of the limits of said district, but within the county of Montgomery, at a sum not exceeding one dollar and a-half per month for each scholar) and in case of the repeal of the common school law, or the definite failure thereof within said district,

from any other cause, the trustees of the Norristown academy shall be entitled to the possession and control of the said school house and lot of ground, and shall hold the same for the same purposes they are authorized to hold, and use the present building and lot of ground.

SECTION 3. The sixth section of the act of assembly, passed the sixteenth day of April, one thousand eight hundred and forty-five, entitled "A supplement to an act, entitled 'An Act to incorporate an academy, or public shool, in the town of Norris, and county of Montgomery, and for other purposes therein mentioned,' approved the twenty-ninth of March, one thousand eight hundred and four," which prohibits the laying out of any road, street, lane or alley, through or over the aforementioned academy lot, shall be construed to mean so long as the said lot shall belong to the trustees of the Norristown academy, and no longer.

SECTION 4. Whenever DeKalb street shall be laid out and opened through said lot, it shall be laid out and opened the same width as the other parts of said street are now laid out.

SECTION 5. The directors of common schools of the borough of Norristown are hereby authorized to sell at public or private sale, at such time as they may think proper, for the best price that can be obtained for the same, the frame school house and lot of ground, with the appurtenances belonging to them, situate on Church street, in said borough, and convey the same by deed to the purchaser thereof, in fee simple, clear of all incumbrances, except the one contained in the deed to them, that the said lot shall not be used as a grave-yard or burial ground, or for the purpose of burying the dead therein.

WILLIAM F. PACKER,  
*Speaker of the House of Representatives.*

WM. WILLIAMSON,  
*Speaker of the Senate.*

APPROVED—The eighteenth day of March, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

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No. 165.

## AN ACT

Fixing the place of holding the elections of Brush Valley township, Indiana county, and in Saltlick and Youghiogheny townships, in Fayette county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That the qualified voters of Brush Valley township, Indiana county, shall hereafter hold their township and general elections at a house owned by John Oberdorft, and now occupied as a wagonmaker's shop, in said township.*

Fayette.

SECTION 2. The qualified voters of Saltlick township, Fayette county, shall hereafter hold their township and general elections at the house now occupied by Henry Felger, in said township.

Fayette.

SECTION 3. The qualified voters of Youghiogheny township, in Fayette county, shall hereafter hold their township and general elections at the school house known by the name of the "Temperance school house," in said township; and that Jacob Murry be judge, and George Nicholson and Robert Workman inspectors of the following spring elections, who, in conducting said elections, shall be governed by the election laws of this commonwealth.

WILLIAM F. PACKER,  
*Speaker of the House of Representatives.*

WM. WILLIAMSON,  
*Speaker of the Senate.*

APPROVED—The eighteenth day of March, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

No. 166.

### AN ACT

To authorize the auditor general to examine the claim of James Fenlon, for work done on the Juniata division of the Pennsylvania canal.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That the auditor general be and is hereby authorized to examine the claim of James Fenlon, of Allegheny county, on account of repairs made in December, Anno Domini one thousand eight hundred and thirty-eight, and January, Anno Domini one thousand eight hundred and thirty-nine, on the Juniata division of the Pennsylvania canal, and certify the amount which he may find justly due, if any, to the state treasurer, who is hereby directed to pay the same out of any moneys in the treasury not otherwise appropriated.*

WILLIAM F. PACKER,  
*Speaker of the House of Representatives.*

WM. WILLIAMSON,  
*Speaker of the Senate.*

APPROVED—The eighteenth day of March, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

No. 167.

## AN ACT

To change the name of David Richardson Bair.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* henceforth the name of David Richardson Bair, an adopted son of Thompson Richardson, of Westmoreland county, shall be David Richardson; in which name he shall be competent to sue and be sued, and to transact business, and he is hereby invested with all the legal rights of a legitimate son of said Thompson Richardson.

WILLIAM F. PACKER,  
*Speaker of the House of Representatives.*

WM. WILLIAMSON,  
*Speaker of the Senate.*

APPROVED—The eighteenth day of March, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

No. 168.

## AN ACT

Authorizing the auditor general to examine the claim of Beekman Potter, judge advocate of a court martial held in the county of Philadelphia.

WHEREAS, There is no provisions made by the laws of this commonwealth for the payment of judge advocates of courts martial:

*And whereas,* Beekman Potter acted in the capacity of judge advocate of a court martial, assembled in the county of Philadelphia, for the trials of first lieutenant Anton Wagner, of the German Washington Guards, of the second brigade, first division, Pennsylvania militia, and second lieutenant Henry Arnsfeldt, of the German Washington Guards, attached to the second brigade, first division, Pennsylvania militia, and owing to the deficiency of the laws above mentioned, cannot, without special provision of the legislature, receive a compensation for his services: Preamble.

*And whereas,* It has been the practice of the legislature to make such special provisions aforesaid; therefore,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That*

**Auditor General  
to settle claim.**

the auditor general be and he is hereby required to examine the claim of the said Beekman Potter, for services rendered as judge advocate at the court martial aforesaid, and if satisfied from the vouchers of the said Potter, that the said claim is correct, to allow him compensation, at the rate of three dollars per day, for any number of days not exceeding thirty-four, and allow for stationery actually purchased, not exceeding six dollars, and draw his warrant on the state treasurer for the amount found to be due, which shall be in full for all services rendered by the said Beekman Potter.

WILLIAM F. PACKER,  
*Speaker of the House of Representatives.*

WM. WILLIAMSON,  
*Speaker of the Senate.*

APPROVED—The eighteenth day of March, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

No. 169.

## AN ACT

Relative to the Machpelah cemetery society of Philadelphia.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* if any person shall open any tomb or grave in the lands of the cemetery of the Machpelah cemetery society of Philadelphia, and clandestinely remove, or attempt to remove any body or remains therefrom, such person upon conviction thereof, shall be sentenced to undergo an imprisonment in the prison of the county of Philadelphia, at hard labor, for a term of not less than one or more than five years, and pay a fine not less than five hundred dollars, at the discretion of the court of quarter sessions for the county of Philadelphia; and a person who shall wilfully destroy, mutilate, deface, injure or remove any tomb, monument, grave stone, or other structure placed in the cemetery aforesaid, or shall wilfully destroy, cut, break or remove any tree, shrub or plant within the limits of said cemetery, shall be deemed guilty of a misdemeanor, and shall upon conviction thereof before any justice of the peace or alderman of the said county of Philadelphia, be punished by a fine at the discretion of the justice or alderman, according to the aggravation of the offence, of not less than five nor more than fifty dollars; or shall on conviction thereof in the court of quarter sessions of said county, be punished by a fine as aforesaid, and by imprisonment, according to the aggravation of the offence, at the discretion of the court, for a term of not less than six months, or more than three years.

**Penalty for opening graves or injuring tomb stones, &c.**

**Exclusive use of lots.**

SECTION 2. That every lot in the said cemetery of the Machpelah cemetery society of Philadelphia, shall be held by the proprietors for the



purpose of sepulture alone, transferable with the consent of the president and directors thereof, and shall not be subject to attachment or execution; and the said cemetery shall hereafter be forever exempted from taxation: *Provided*, That nothing herein contained shall be construed to exempt the said cemetery from payment of state taxes, or assessment for corporation improvements along the front of said cemetery: *And provided further*, That the said exemption shall not extend to more than four lots held or owned by any one person in said cemetery. Proviso.

WILLIAM F. PACKER,  
*Speaker of the House of Representatives.*

WM. WILLIAMSON,  
*Speaker of the Senate.*

APPROVED—The eighteenth day of March, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

No. 170.

## SUPPLEMENT

To an act, entitled “An Act to incorporate the Line Lexington mutual fire insurance company of Bucks and Montgomery counties.”

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* at the first meeting of the board of managers of the Line Lexington mutual fire insurance company, which shall be held after the passage of this act, the members of said board shall be divided into four classes, three of which shall consist of three members each, and one of four members; the seats of the first class shall be vacated at the expiration of the first year, of the second class at the expiration of the second year, and of the third class at the expiration of the third year, and of the fourth class at the expiration of the fourth year, so that one class shall be chosen every year; and if vacancies occur in the board by death, resignation or otherwise, the president of the board, for the time being, may supply such vacancies by appointment, until the next annual meeting, when the members of the company shall fill such vacancies by ballot. Classification.

SECTION 2. The general meetings of the company shall be held, annually, on the first Monday of November at or near the village of Line Lexington, in the county of Bucks: and the president and managers shall have and possess the same power and authority to make insurances against loss by storm, as they have against loss by fire, by the act to which this is a supplement. Annual meetings.  
Insure against loss by storm.

Appropriation of funds.

SECTION 3. The company may appropriate any money on hand to defray the current and incidental expenses of the corporation, and when the profits or interest on the company's funds shall annually exceed the current incidental expenses of the company, by the sum of one hundred dollars, then such excess, if thought expedient and judicious by the board of managers, may be applied to the payment of such losses as any member of said company may be justly entitled to: and the office of the secretary and treasurer respectively, shall be at or near Line Lexington aforesaid.

Suits.

SECTION 4. Suits may be prosecuted by any member against the corporation, when payment of losses are withheld for more than ninety days, agreeably to the act of incorporation to which this a supplement: *Provided nevertheless*, That the board may, if they think proper, rebuild or re-place the property lost or damaged, in which case a reasonable time shall be allowed to re-build or re-place the same.

Repeal.

SECTION 5. That any thing contained in the act to which this is a supplement, the seventh section of an act, entitled "An Act to incorporate the Independent mutual fire insurance company of Bucks, Montgomery and Philadelphia counties," approved the tenth of February, Anno Domini, one thousand eight hundred and forty-three, and all other provisions of said act that are hereby altered or supplied, be and the same is hereby repealed, so far as relates to the Line Lexington mutual fire insurance company of Bucks and Montgomery counties.

WILLIAM F. PACKER,  
*Speaker of the House of Representatives.*

WM. WILLIAMSON,  
*Speaker of the Senate.*

APPROVED—The eighteenth day of March, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

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No. 171.

## AN ACT

To empower John L. Mohler, administrator de bonis non cum testamento annexo of George Ott, of Lancaster county, deceased, to sell certain real estate.

Power to sell.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same*, That John L. Mohler, administrator de bonis non cum testamento annexo of George Ott, late of Ephrata township, in the county of Lancaster, deceased, be and he is hereby authorized to sell at public or private sale, and convey, all that certain lot of ground situate in West Cocalico township, in the county of Lancaster, adjoining lands of Henry Ackey, Henry Smith and Christian Hernly, containing two acres of land, on which is erected a small log dwelling house, a log stable, and other improvements, with the appurtenances; and also, a certain tract of

woodland, situate in Heidelberg township, in the county of Berks, adjoining lands of Michael Kich, Henry Gensimer and Jacob Kyerize, deceased, containing five acres and seventy-six perches of land, strict measure, with the appurtenances, and to invest the net proceeds of such sale for the purpose of repairing and keeping in repair the residue of the real estate of said deceased, agreeably to the true intent and meaning of the last will and testament of said deceased: *Provided*, That the said administrator shall first give a bond to the orphans' court of the county of Lancaster, with sufficient sureties, conditioned for the faithful application of the proceeds of said sale.

WILLIAM F. PACKER,  
*Speaker of the House of Representatives.*

WM. WILLIAMSON,  
*Speaker of the Senate.*

APPROVED—The eighteenth day of March, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

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No. 172.

## AN ACT

For the erection of a bridge across Clarion river, in Clarion county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That Wilson S. Packer, Isaac Jones, Hugh Maguire, Isaac Clover and J. W. Guthrie, be and they are hereby authorized and empowered to construct a bridge, with as many piers and abutments as they may deem necessary, across the Clarion river, at or near the junction of Mill creek with said river, in Clarion county.

Persons authorized to construct the bridge.

SECTION 2. That the aforesaid Wilson S. Packer, Isaac Jones, Hugh Maguire, Isaac Clover and J. W. Guthrie, or either of them, shall have full power to collect all moneys subscribed for said bridge, by the usual course of law, if not otherwise paid.

Power to collect subscription.

SECTION 3. So soon as said bridge shall have been erected, it shall be the duty of the supervisors of Clarion and Paint townships, to make good and sufficient roads into each end of said bridge; and when said bridge shall have been completed, the supervisors of said township are hereby directed to take charge of and keep said bridge in repair, in all respects as other township bridges are kept up and repaired, the expense of so keeping up and repairing to be equally divided between said townships.

Supervisors to make roads to said bridge and keep the same in repair.

WILLIAM F. PACKER,  
*Speaker of the House of Representatives.*

WM. WILLIAMSON,  
*Speaker of the Senate.*

APPROVED—The eighteenth day of March, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

No. 173.

## AN ACT

Authorizing the supervisors of Clarion and Paint townships to let by public sale the making of any new roads.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* from and after the passage of this act, it shall and may be lawful for the supervisors of Clarion and Paint townships, in the county of Clarion, (after having given at least ten days' notice, by putting up not less than three written or printed advertisements, in as many different public places in said townships,) to sell at public sale or outcry the making of any public roads in said townships; which said making shall be paid to the contractor or contractors out of the first funds which may come into the hands of the supervisors of said townships, or out of the first moneys which may come into the hands of the treasurer of said county, which shall be due said townships, or to apply in payment of any taxes due or to come due said townships, as the contractor or contractors may desire.

WILLIAM F. PACKER,  
*Speaker of the House of Representatives.*

WM. WILLIAMSON,  
*Speaker of the Senate.*

APPROVED—The eighteenth day of March, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

No. 174.

## SUPPLEMENT

To an act, entitled "An Act relating to roads in Middletown township, Delaware county, and for other purposes," approved the twenty-second day of March, one thousand eight hundred and forty-five.

Preamble.

WHEREAS, In pursuance of the second and subsequent sections of the act to which this is a supplement, a state road was laid out, beginning at the south end of the bridge over the Yellow Breeches creek, on the road from Dillsburg to Carlisle, near Latshore's (now Grifflith's) mill, in Cumberland county, through Dillsburg to Dover, in York county, connecting at the latter place with the road leading to York :

*And whereas,* It is desirable that the latter should be widened and improved, in a manner corresponding with the said state road, and become, by extension of said state road, a part thereof; therefore,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That Abraham Forry, Isaac Garetson and Joseph Grove, be and they are hereby appointed commissioners to lay out, by courses and distances, and mark upon the ground, a road from the termination of said state road at Dover, through the said village, to the point where the existing road now terminates on the York and Gettysburg turnpike, west of the borough of York. Commissioners.  
Lay out from  
Dover to York.

SECTION 2. That it shall be the duty of said commissioners, or a majority of them, after being duly sworn or affirmed to perform the duties enjoined on them by this act with impartiality and fidelity, to view the ground over which the said road may pass, and lay out the same of equal breadth with the said state road, as nearly along the route of the existing road terminating as aforesaid, as the requisite improvement of the said road, without unnecessary deviation, will admit. Duties.

SECTION 3. That it shall be the duty of the commissioners to make a plain and accurate draft of the location of said road, noting thereon the courses and distances from point to point as they occur, and the variations, if any, from the route of the existing road, together with improvements passed through, the crossing of township lines, roads and waters; one copy of which draft shall be deposited in the office of the secretary of the commonwealth, and one copy in the office of the clerk of the court of quarter sessions of the respective counties aforesaid, on or before the first day of October next, and from thenceforth the said road shall be a public highway, and shall be deemed and taken to be part of the state road laid out under the original act to which this is a supplement, and shall be opened and repaired accordingly, subject only to alterations, or amendments, in like manner as said state road of which this is a part. Further duties.

SECTION 4. That each of the said commissioners shall receive the sum of one dollar and fifty cents for each day he shall be necessarily employed in said work; and they shall also be entitled to a reasonable allowance for a surveyor, two chain carriers, and one axeman, if employed by them; and their accounts for their own pay, and that of the persons employed by them, adjusted and allowed by the commissioners of the county of York, and paid by the treasurer thereof. Compensation.

SECTION 5. That in case of the death or resignation, or disqualification of any, or all of the said commissioners, the court of quarter sessions of York county shall fill such vacancy or vacancies. Vacancies, may  
be filled.

WILLIAM F. PACKER,  
*Speaker of the House of Representatives.*

WM. WILLIAMSON,  
*Speaker of the Senate.*

APPROVED—The eighteenth day of March, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

No. 175.

## AN ACT

Directing the supervisors of Barnet township, Jefferson county, and of Ridgeway township, Elk county, to pay for the expense of opening roads in said townships.

## Preamble.

WHEREAS, The legislature of the commonwealth of Pennsylvania, at the session of 1843, passed an act erecting the county of Elk from parts of Jefferson, Clearfield and M'Kean counties :

*And whereas*, Said county of Elk, as erected, included a portion only of Ridgeway township, (formerly in Jefferson county) the residue of which said township of Ridgeway remaining in Jefferson county, was attached to Barnet township, in said county of Jefferson :

*And whereas*, Since the erection of the said county of Elk, doubts have been had whether Ridgeway township, in the county of Elk, or Barnet township, in the county of Jefferson, including that fraction of Ridgeway township, remaining in Jefferson county as before mentioned, should pay the expense of opening a public road made in 1843, by order of John Knox, supervisor in that fractional part of Ridgeway township remaining in Jefferson county as before mentioned ; therefore,

Supervisors of  
Barnet township  
to pay expenses  
for opening roads.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same.* That the supervisors of Barnet township, in Jefferson county, are hereby directed to pay for the opening of a public road laid out by order of the court, and opened in 1843 by John Knox, as supervisor in that fractional part of Ridgeway township, remaining in the county of Jefferson as before mentioned, viz: commencing at the Spring Creek road, at Callan's run, and ending at the Shippenville and Ridgeway state road, at Turner's falls, on the Clarion river ; and the supervisors of the said township of Barnet are hereby directed to pay to the holder the due bills given by John Knox, supervisor as aforesaid, for opening said road, out of the first moneys that may come into their hands belonging to the said township of Barnet.

Supervisors of  
Ridgeway town-  
ship to pay ex-  
penses for open-  
ing roads.

SECTION 2. And the supervisors of Ridgeway township, in the county of Elk, are hereby directed to pay to the holder the due bills given by John Knox, supervisor as aforesaid in 1843, for work done on the public roads in that fractional part of Ridgeway township, embraced in the county of Elk, out of the first moneys that may come into their hands belonging to the said township of Ridgeway.

WILLIAM F. PACKER,

*Speaker of the House of Representatives.*

WM. WILLIAMSON,

*Speaker of the Senate.*

APPROVED—The eighteenth day of March, one thousand eight hundred and forty-eight.

FRS. R. SHUNK

No. 176.

## AN ACT

Authorizing the committee of Elizabeth D. Johnson to purchase real estate.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That Henry H. Kurtz, committee of Elizabeth D. Johnson, late of Manheim township, Lancaster county, is hereby authorized to purchase for the use of the said Elizabeth D. Johnson, a house and lot of ground in Manheim township, in said county, at a price not exceeding five hundred dollars, and hold the same in trust for the use of the said Elizabeth D. Johnson and her heirs: *Provided,* That before this act shall become operative, the said committee shall give security, to be approved of by the court of common pleas of Lancaster county, for the faithful application of the money agreeably to this act.

WILLIAM F. PACKER,  
*Speaker of the House of Representatives.*

WM. WILLIAMSON,  
*Speaker of the Senate.*

APPROVED—The eighteenth day of March, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

No. 177.

## AN ACT

To extend Walnut street, in the city of Lancaster, and Amber street, in the district of Kensington, Philadelphia county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the select and common councils of the city of Lancaster, are hereby empowered to cause the street commissioners of the said city to lay out, open and extend Walnut street, from the point where it is now terminated at the eastern terminus thereof, eastward until it intersects the Lancaster and New Holland turnpike road. Extend Walnut street in the city of Lancaster.

SECTION 2. The court of quarter sessions of Lancaster county, on the petition of any owner of a lot or land through which the said street shall be extended and opened, representing that he has sustained damages, how to be assessed and paid.

ages thereby, shall appoint six freeholders of the said city to view the premises, and adjudge the amount of damages (if any) sustained, taking into consideration the probable advantages of said street to the complainant; and the said amount shall be paid, after being approved by the court, out of the funds of the said city: *Provided always*, That the said viewers shall each of them, before they proceed to assess the said damages, take an oath or affirmation before some judge or alderman, justly and truly to value the same, and to consider the advantages as well as disadvantages of the extension and opening of the said street, to the complainant.

Amber street,  
Philadelphia  
county, to be  
opened.

SECTION 3. That Amber street, in the district of Kensington, in the county of Philadelphia, shall be opened to run parallel with Front street, from Phoenix street, to Master street, as streets and highways are now opened by law.

WILLIAM F. PACKER,  
*Speaker of the House of Representatives.*

WM. WILLIAMSON,  
*Speaker of the Senate.*

APPROVED—The eighteenth day of March, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

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No. 178.

## AN ACT

Regulating election districts.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same*, That the citizens of Salem township, Luzerne county, shall hereafter hold their township and general elections at the house now occupied by Daniel Mills, in said township.

Luzerne.

SECTION 2. The citizens of Middletown, Dauphin county, shall hereafter hold their township and general elections at the brick school house in said borough.

Dauphin.

SECTION 3. The citizens of the borough of Philipsburg, in the county of Beaver, shall hereafter hold their special and general elections at the tavern house now owned by George Frank, in said borough.

Beaver.

SECTION 4. The qualified voters of that part of Hempfield township, Westmoreland county, who have heretofore held their general election at the house of Joseph Gross, in New Stanton, shall hereafter hold their general and township elections at the stone school house in the said village of New Stanton; and that the same judges, inspectors and clerks who held the last general election, shall hold the first township election for the election of township officers.

Westmoreland.



SECTION 5. That the qualified electors of the township of Lower Dauphin. Swatara, in the county of Dauphin, shall hereafter hold their general election in the brick school house in Pine street, in the borough of Middletown.

SECTION 6. That the citizens of Thompson township, Bedford county, Bedford. shall hereafter hold their township and general elections at the house of Jacob Jenkins, in said township.

SECTION 7. The qualified voters of Sullivan township, Tioga county, Tioga. shall hereafter hold their general and township elections at the house now occupied by S. J. Bosworth, in the village of Mainsburg, in said township.

SECTION 8. The qualified voters of Delmar township, Tioga county, Tioga. shall hereafter hold their township and general elections at the court house in Wellsborough, in said township.

SECTION 9. The qualified voters of Coganhouse township, in the county of Lycoming, Lycoming. shall hereafter hold their township and general elections at the school house near Benjamin Quimby's, in said township.

SECTION 10. The qualified voters of Sugar Grove township, Warren county, Warren. shall hereafter hold their township and general elections at the school house in the village of Sugar Grove, in said township.

SECTION 11. That the qualified electors of Lack township, Juniata county, Juniata. shall hereafter hold their township and general elections at the Lick school house, in said township.

SECTION 12. The election for officers for the general election shall Berks. hereafter be held at the same time and place as is designated in the city Reading city. charter of Reading, for holding the election for corporation officers in the North-west ward of said city.

SECTION 13. The qualified voters of Ross township, in the county of Allegheny, Allegheny. shall hereafter hold their township and general elections at the dwelling house of George Cooper, on the Franklin road, near the centre of said township.

SECTION 14. That the qualified electors of West Bethlehem township, Washington county, Washington. shall hereafter hold their township and general elections at the house of Samuel Yeomans, in the town of Hillsborough, in said township.

WILLIAM F. PACKER,  
*Speaker of the House of Representatives.*

WM. WILLIAMSON,  
*Speaker of the Senate.*

APPROVED—The eighteenth day of March, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

No. 179.

## AN ACT.

For the relief of sundry citizens of this commonwealth.

**SECTION 1.** *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That*

State treasurer to pay claimants. the state treasurer is hereby directed to pay the sum of seven thousand eight hundred and thirty-four dollars, to the order of the respective claimants, the several sums to which they are respectively entitled, if the same shall appear to be the report of the canal commissioners, bearing date January eleventh, Anno Domini one thousand eight hundred and forty-seven, in second volume, house representatives journal, for session one thousand eight hundred and forty-seven, document number twenty-seven, being the amount of damages assessed in pursuance of the sixth section of an act, entitled "An Act for the determination and settlement of claims for damages done by the construction of the Conneaut line of the Erie extension, Pennsylvania canal."

**SECTION 2.** That forty dollars is hereby appropriated for the payment of Dickson, Keck and Smith, as contractors of sections numbers forty-one, forty-four, and lock number twenty-three, on the Shenango line, Erie extension, Pennsylvania canal, if the same shall appear to be due them upon the books of the auditor general of this commonwealth.

Appropriation to Dickson, Keck and Smith, contractors.

WILLIAM F. PACKER,  
*Speaker of the House of Representatives.*

WM. WILLIAMSON,  
*Speaker of the Senate.*

APPROVED—The eighteenth day of March, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

No. 180.

## AN ACT

To change the name of Adaline Beidler to Adaline Shelly.

**SECTION 1.** *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That*

Adaline Beidler, of the county of Lancaster, be and she is hereby authorized to change her name from Adaline Beidler to Adaline Shelly; and

she shall henceforth be called and known by the name of Adaline Shelly, and by that name shall be able and capable in law to sue and be sued, grant, receive, take and inherit any estate, real or personal, and to do all other legal acts as effectually, to all intents and purposes, as she could have done by her former name if no change had been made therein.

WILLIAM F. PACKER,  
*Speaker of the House of Representatives.*

WM. WILLIAMSON,  
*Speaker of the Senate.*

APPROVED—The eighth day of February, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

No. 181.

## AN ACT

To incorporate the Pittsburg gas company.

WHEREAS, The select and common councils of the city of Pittsburg did, by ordinance passed seventeenth April, one thousand eight hundred and thirty-five, establish the Pittsburg gas works, and by various ordinances supplementary thereto, have authorized the subscription and payment on behalf of the city, of six hundred and ninety-eight shares of the capital stock thereof—have increased the amount of such capital stock to the sum of two hundred and fifty thousand dollars, and have extended the powers of said works as far as by the authority of said councils can be effected: Preamble.

And whereas, Petitions signed by Thomas Bakewell, Morgan Robertson, Joseph Pennock, James Thompson, George Ogden, George W. Jackson, Samuel W. Caskey, Alexander Black, Joshua Hanna, James B. Murray, C. Anchutz and others, on behalf of the holders of stock in the said gas works, have been presented to the legislature praying for an act of incorporation for themselves and their associates, for the purpose of rendering the organization of said company more efficient; now, therefore, Preamble.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That all persons who now are, or who may hereafter become stockholders in said company, shall be and they are hereby created a body politic and corporate in fact and in law, by the name and style of "The Pittsburg gas company;" and by the said name they and their successors shall and may have perpetual succession, and shall be in law capable of suing and being sued, pleading and being impleaded in all courts and judicatories whatsoever; and also of contracting and being contracted with, relative to the funds of the said corporation, and the business Powers.

and the purposes for which the said corporation is created as hereinafter declared; and they and their successors may have a common seal, and may change and alter the same at pleasure; and they and their successors shall have power to lease or purchase, in fee simple, such real estate as may be necessary for carrying on the business.

**Objects.** SECTION 2. That the corporation hereby created, is so created for the purpose of supplying with gas light, the cities of Pittsburg and Allegheny, and such individuals residing therein as may desire a supply of the same, and for distributing and selling gas, coke, tar, and other products of distillation from coal, and for making and erecting the necessary apparatus for manufacturing, distributing and introducing the same, and constructing the requisite buildings and machinery, and purchasing or preparing the necessary materials, and for no other purpose whatsoever; and the said company is hereby authorized to supply Lawrenceville, Birmingham, and other surrounding places, including the city districts.

**Capital.**  
**Shares.**  
**Increased.** SECTION 3. That the capital stock of the said company shall be two hundred and fifty thousand dollars, to be divided into five thousand shares of fifty dollars each, including the capital stock now paid in, which may be increased to the sum of three hundred thousand dollars by the decision of the subscribers, at a general meeting to be called for that purpose, and on such terms as the trustees may ordain and determine: *Provided*, That the consent of the select and common councils of the city of Pittsburg be previously obtained for such increase.

**Proviso.** SECTION 4. That the management and control of the Pittsburg gas works shall be vested in twelve citizens of Pittsburg, who shall be denominated "trustees of the Pittsburg gas works," and shall be chosen in the following manner:—At the stated meeting of the select and common councils of the city of Pittsburg, in the month of August annually hereafter, each of the said councils shall choose one citizen of Pittsburg, who shall not be at the time of his election a holder of stock in the gas works, to serve as trustee of the said works for the term of three years, in the place of those whose term of service expires; and any vacancy that may occur by death or resignation, shall be filled by special election, to be held by the body in whose delegation such vacancy may occur; and on the first Monday in September next, the individual stockholders of the Pittsburg gas works shall meet at the office of the works, and between the hours two and five, P. M., shall elect, by ballot, six citizens to serve as trustees, two of whom shall serve for one year, two for two years, and two for three years, or until their successors are chosen; and on the first Monday of September in each succeeding year, an election shall be held as above specified, at which two citizens shall be chosen trustees to serve for three years in the place of those whose term shall expire; and also to fill any vacancy that may have occurred in the delegation from the stockholders during the previous year: at all elections by the stockholders, each share of stock shall be entitled to one vote; but no vote shall be received on any share of stock on which any instalment is due and unpaid: in case any vacancy shall occur in that portion of the board of trustees elected by the stockholders, it shall be supplied until the next election, by a citizen selected by the balance of the trustees so chosen: two weeks' notice shall be given in at least two newspapers of the city, of the time of holding such election, which shall be held under the direction of the trustees appointed by councils: *Provided*, That if an election be not held on the day above named, that this charter shall not be forfeited; but the trustees shall continue to act until others are chosen, which shall be within one month from the said first Monday in September: *And provided further*, That the present

**Trustees.**

**How chosen.**

**Term.**

**First election.**

**Annual election.**

**Voters.**

**Vacancies.**

**Notice.**

**Proviso.**

**Proviso.**

trustees, who were elected and appointed under the provisions of the ordinance of the councils of the city of Pittsburg, of twenty-eighth June, one thousand eight hundred and forty-seven, shall serve until the expiration of the terms for which they were respectively chosen and appointed, unless their seats may be vacated by death, resignation, or removal from the city, in which case the vacancies shall be filled as herein provided; that is to say, the term of office of the six trustees chosen by the stockholders, shall terminate on the first Monday in September next; and the term of office of one of the trustees appointed by each of the city councils, shall expire on the last Monday in August, in each of the years one thousand eight hundred and forty-eight, one thousand eight hundred and forty-nine, and one thousand eight hundred and fifty, respectively.

SECTION 5. That the said trustees shall meet within three days after the election, on the said first Monday in September, and shall choose, by ballot, from their own body, a president and secretary, who shall discharge the duties usually performed by those officers, and shall serve for one year, or until a new election shall take place: seven trustees shall constitute a quorum for the transaction of ordinary business; but no contract for the purchase of pipes or materials, exceeding the amount of one thousand dollars, shall be entered into, nor any extension of mains exceeding five hundred feet be directed, nor any dividend of profits be declared, nor any alteration in the price of gas made, nor any increased subscription of capital stock authorized, without the presence and concurrence of three-fourths of the board of trustees: the said trustees shall also have power to call meetings of the stockholders, whenever in their opinion, it shall be desirable, at which meetings the president and secretary of the board shall act in similar capacities; and the said trustees shall also have power to adopt by-laws for their own government in the conduct and management of the business of the board and the works: *Provided*, Such by-laws shall not be inconsistent with the constitution and laws of the United States, or of this state; and the said trustees, or their agents, are hereby authorized to open any of the streets and alleys of the city of Pittsburg, for the purpose of laying pipes therein, and introducing a supply of gas from such pipes: *Provided*, That such openings in the streets shall be closed, and the pavements replaced thereon without unnecessary delay, and in such manner as to be satisfactory to the councils, or the street committee thereof.

Meeting of trustees.  
Powers and duties of.

Proviso.

Proviso.

SECTION 6. That the aforesaid trustees be and they are hereby vested with the powers necessary for the maintenance of the gas works, and for the purpose of carrying the same into effect, are hereby empowered to purchase materials, make contracts, and employ such engineers, workmen or agents, as they may deem necessary, and regulate their compensation from time to time: *Provided*, That no contracts shall be entered into, or expenses incurred, to exceed the amount of the subscriptions for the construction of the works; the trustees shall declare semi-annual dividends on the second Mondays of January and July in every year, of so much as they may deem expedient of the net profits arising from the gas works, after deducting all expenses of manufacture, rent of lot, repairs of works, salaries of officers, and other incidental charges; which dividend shall be paid to the stockholders or their legal representatives, at the office of the works, within ten days after its declaration, of which due notice shall be given by the trustees: *Provided*, That all profits that may arise over ten per cent., shall be expended in the extension of the main pipes, according to the direction of the councils of the city of Pittsburg: *And provided also*, That no dividend shall be paid to any stockholder who is indebted to the works, nor on any

Powers.

Proviso.

Dividends.

Excess of profits.

Restrictions.

Public lamps.

stock on which any instalment shall be due and unpaid; nor shall any dividend be declared that shall impair or reduce the capital stock of the works; the said trustees shall also have power to regulate the price of gas to be furnished to private consumers and to the public lamps, both in the city of Pittsburg and Allegheny, and to prescribe and adopt rules and regulations for the supply thereof, subject to the approbation of the councils of the city of Pittsburg: *Provided*, That the public lamps in said cities shall be erected and kept in order at the expense of the city in which they shall be erected, and that the gas consumed in the public lamps in Pittsburg shall not be charged more than three-fifths of the price charged to private consumers; all ordinances and regulations relative to the protection of the works, mains, lamps and other fixtures, from accident or mischief, shall be continued in force, as shall also those ordinances and regulations directing the speedy repair of the streets, after opening to lay pipes, or forbidding the interference of the gas pipes with the water pipes, or prohibiting any nuisance from the gas works; the trustees shall within one month before the time of appointing trustees, lay before councils a full report of their proceedings during the previous year, and submit the same to the stockholders at the time of the annual election.

Report.

Treasurer.

SECTION 7. That the trustees shall appoint a competent citizen as treasurer of the gas works, who shall give bond in such sum as the trustees shall require, being not less than twenty thousand dollars, for the faithful performance of his duty, with two sufficient sureties, who shall be jointly approved by the trustees and the finance committee of councils, and who shall be paid a reasonable compensation for his services; the said treasurer shall hold his office until his successor is appointed, and shall discharge such duties as the board of trustees may from time to time declare and appoint.

Books.

Instalments.

Proviso.

SECTION 8. That the trustees shall keep open the subscription books at the office of the works, or such other place as they may think proper, to receive subscriptions for stock not exceeding one thousand shares; five dollars shall be paid on each share at the time of subscribing, and the balance in such instalments as the trustees may require for the extension of the works; and if any stockholder shall refuse or omit to pay the instalments on the stock held by him, for two months after public notice, by advertisement in two newspapers of the city of Pittsburg, of the requirement of such payment by the trustees, the previous payments made by such stockholder, and all his interest in said stock, may be forfeited to the company; and the said trustees are hereby authorized, if they consider it advisable, to dispose of any of the said stock, in payment of pipes, castings and other articles and materials necessary for the extension of the mains and enlargement of the works: *Provided*, That such stock shall not be sold for less than the par value thereof; and the trustees are further authorized to open books for the additional subscription of the balance of the stock, whenever the full amount of the preceding one thousand shares shall have been vested in extensions and improvements; such additional stock to be taken and subscribed upon the same terms as are specified in the preceding part of this section.

City stock.

SECTION 9. That the mayor, aldermen and citizens of Pittsburg are authorized to hold the amount of stock for which they have at various times subscribed, or to which they are entitled, under the sanction of the ordinances of the select and common councils; and that the said councils are hereby further authorized, if they shall think it expedient, at any time to convert the lots now occupied by the gas works, into gas stock, at such rates as may be agreed upon; the stock issued for

the same being entitled to the same dividend of profit as other stock, and that in case the city of Pittsburg shall become possessed of any other lots which the trustees of the gas works shall deem important for the works, that they may in like manner be exchanged for stock : *Pro-Provido.*  
*vided,* That until such transfer be made by the city, the gas works shall pay rent for the lots occupied by them as heretofore.

SECTION 10. That the mayor, aldermen and citizens of the city of Allegheny are hereby authorized to subscribe for and hold such amount of stock in the said gas works, as may be requisite for defraying the expense of introducing the gas into the said city, and conveying it through the streets thereof; and whenever the said city has subscribed to and paid in stock to the amount of ten thousand dollars, the councils thereof shall appoint one additional trustee to the board of said works, to serve for three years, or until his successor is appointed, who shall exercise the same powers as are by this act vested in any of the other trustees of said works. Allegheny city may subscribe.

SECTION 11. That when payments are made in full on each share, the trustees shall procure certificates or evidences of stock, and shall deliver such certificates, signed by the president and countersigned by the secretary or treasurer, to each person who may have subscribed for stock, or to his legal representative; which certificates shall be transferable by the holder or his attorney, at the office of the works, in the presence of the president or treasurer, under such regulations as may from time to time be adopted by the board of trustees; and all those persons who held stock in the gas works previous to first of August, one thousand eight hundred and forty-seven, shall be entitled to receive similar certificates : *Provided,* That they surrender the certificates they then held, and shall release the city of Pittsburg from any claim for interest on said certificates, or any other claim arising out of the said gas stock, or certificate thereof, further than are recognized in the various provisions of this act. Certificates.  
Provido.

SECTION 12. That no portion of this act shall be so construed as to relieve either the city councils or the trustees from the fulfilment of any contract existing between them, and arising out of the ordinance passed by councils on the twenty-eighth June, one thousand eight hundred and forty-seven, or any other ordinance on the subject. Contract under city ordinance.

SECTION 13. That this act of incorporation shall continue and remain in force for twenty years after the date hereof: *Provided,* That the right to alter, annul or revoke the charter hereby granted, is reserved to the legislature, on condition, however, that such right shall not be exercised to the injustice of the incorporators: *And provided,* That on the first day of August, one thousand eight hundred and sixty-seven, or on the first day of August in any fifth year subsequently, the councils shall have the right to purchase the whole amount of the stock held in the gas works at that time by individuals, on just and equitable terms; and if the trustees and the councils cannot agree upon the value of said works, then the question shall be referred to four disinterested individuals, two to be chosen by the councils and two to be chosen by the stockholders, at a special meeting to be held for that purpose, which four shall jointly choose an umpire, and the decision of said arbitrators shall be binding on both parties: *Provided,* That the councils shall make known their intention to purchase the works, at least six months before the stipulated time above referred to. Limitation.  
City empowered to purchase.

SECTION 14. That the company hereby incorporated shall not engage, directly nor indirectly, in any banking transaction or concern, nor in any manufacturing or other concern whatsoever, except such as they are by this act expressly authorized to engage in; nor shall this act be Restraining clause.

so construed as to grant to the said company any exclusive privilege to exercise the rights and powers herein conferred.

WILLIAM F. PACKER,  
*Speaker of the House of Representatives.*

WM. WILLIAMSON,  
*Speaker of the Senate.*

APPROVED—The sixteenth day of March, one thousand eight hundred and forty eight.

FRS. R. SHUNK.

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No. 182.

## AN ACT

To incorporate the Western Pennsylvania hospital.

### Preamble.

WHEREAS, A number of the citizens of this commonwealth, actuated by a sense of religious duty, and the benevolent disposition to extend aid, comfort and relief to indigent and afflicted humanity, have made large voluntary contributions in money and real estate, with the view to the foundation and endowment of a public hospital, to be appropriated for the reception and care of the insane and afflicted, as well as the sick, helpless and infirm; and the contributors having formed themselves into an association for the above object, have now, by the petition of their board of managers to the senate and house of representatives, prayed for the passage of an act of incorporation; therefore,

### Contributors incorporated.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the present managers, elected by the contributors, together with their president, vice presidents and other members and contributors to the above mentioned charitable association, be and they are hereby made and constituted a body politic and corporate, in law and fact, under the name, style and title of "The Western Pennsylvania hospital," and shall have and enjoy all the rights, powers and privileges incident by law to a corporation, for the purpose of establishing, maintaining and managing an hospital for the reception and care of the insane and afflicted, as well as the sick, infirm and helpless.

### Style.

### Government vested in a board of managers.

SECTION 2. That the control, government, management and domestic economy of the said institution, and of the business and concerns of the hospital, shall be vested in a board of twenty-one managers, (eleven of whom shall be a quorum for the transaction of business,) who shall be elected at the first annual election under this act, on the third Tuesday of April next, one-third of whom shall be for one year, one-third for two years, and one-third for three years; and at their first meeting thereafter, the said board shall elect from their own number a president,



a first vice president and a second vice president; and at all subsequent annual elections on the third Tuesday of April, seven managers shall be elected by the contributors, to serve for the three succeeding years; and no manager shall be ineligible to re-election; to which number shall be added those contributors who may acquire a right to become members of the board of managers, agreeably to the provisions contained in the next succeeding section; and if an election shall not be held in any year at the time hereinbefore appointed, the corporation shall not for that cause be dissolved, but an election shall be held as soon afterwards as may be, such notice being given as shall be required by the rules and by-laws of the institution; and until such election, the officers and managers in place, shall continue to act and conduct the business and affairs of the institution; and in cases of any vacancy in the board of managers, by death, resignation, removal from the state, or repeated omission to attend their meetings, the managers shall have the power to fill such vacancy by the nomination of another contributor, until the next annual election; no person but a contributor shall be elected a manager.

SECTION 3. That any contributor who has already, or who shall hereafter subscribe the sum of one thousand dollars as a single benefaction, or who has already subscribed a less sum, and shall increase the same to one thousand dollars, or who shall hereafter subscribe a less sum and subsequently increase the same to one thousand dollars, on payment of the same into the treasury, shall be entitled to become a manager for life, and shall have the right to nominate and send in one patient to the hospital: *Provided*, The person so nominated shall be of the condition, and fall within and comply with the rules that may be established for the government of the institution; and the same privileges and rights shall be conferred on any person who shall subscribe and secure the payment of one hundred dollars per annum, for life, or for the period of fifteen years.

Who may become a manager for life.

Proviso.

SECTION 4. That the said corporation shall have power and authority to adopt and use a common seal, and to alter the same at pleasure, and under aforesaid name, style and title of "The Western Pennsylvania hospital," may sue and be sued, plead and be impleaded, in all courts of record and elsewhere; may purchase, acquire, receive, take donations of, (by will or otherwise) hold and enjoy real, personal and mixed estate, of any kind whatsoever, and may sell, convey, lease and encumber the same for the use, objects and benefit of the said institution; they shall also, by their board of managers, have power to contract for and to erect all necessary buildings, and to make all the accommodations, arrangements and conveniences requisite for the reception and care of patients, to make and declare a code of by-laws for the government of the board of managers, of the patients, and of all the officers and persons appointed and employed in and about the hospital; and they shall have power to appoint and to prescribe the functions and duties, and to compensate and remove at pleasure, from their employment, all the officers and attendants deemed necessary for the proper order, discipline, arrangements and management of the hospital: the said managers shall have the general control, government and management of the business concerns and economy of the hospital, shall prescribe the kind and character of patients, and the terms and conditions upon which they shall be admitted into the hospital, or removed and discharged therefrom: *Provided*, That no person shall be admitted having any contagious or infectious disease; they shall have power also, by code of by-laws, to appoint and give public notice of the time and place for holding general meetings and elections, by contributors,

Powers and privileges.

Proviso.

to constitute committees, and appoint visitors of inspection and superintendence to the hospital, to control its finances, to order the payment, by instalments or otherwise, of the subscriptions made by the contributors; and to appoint and compensate, if they shall think proper, a secretary and treasurer, to prescribe their respective duties, and to oblige the latter to give bond, with one or more sureties, for the faithful discharge of his official duties: *Provided*, That the said by-laws and ordinances shall not be inconsistent with the constitution of the United States and of this state.

No compensation to be allowed.

SECTION 5. That no member of the board of managers, shall receive any pay or compensation whatsoever, for attendance or discharge of his official duties as a manager; and all persons contributing twenty-five dollars, shall be members of this corporation, and entitled to vote for the members of the board of managers, or at any general meeting of the contributors, and shall be eligible to be elected to the management of its concerns.

Election shall be by ballot.

SECTION 6. That at all the elections for managers the votes shall be by ballot, and each member of the corporation shall be entitled to one vote only; and the persons voted for, having the highest number of votes, shall be declared elected, and a written return of each election shall be certified and given to the board of managers and entered on their minutes.

Who may be admitted to charity.

SECTION 7. That those persons whose condition and diseases render them the proper objects of the charity or care of the said hospital, may be received from any part of the commonwealth of Pennsylvania, without preference or partiality; but in cases of serious accidental wounds, provided they occur within the said commonwealth, the residence of the party shall be no objection to admission and surgical aid; and in deciding upon the admission of patients, there shall be no discrimination as to religious denominations; and clergymen shall always have access to patients of their own religious persuasion, subject to the general by-laws in reference to the admission of visitors.

Power to erect separate establishments.

Proviso.

SECTION 8. *Whereas*, experience and the present general impressions seem to indicate, that it would be more expedient and conducive to humanity, and the benevolent objects in view, to keep separate and distinct, the insane patients from the other classes of the afflicted: *Be it therefore enacted*, That the board of managers of the Western Pennsylvania hospital, if they shall hereafter deem it more expedient and humane, shall have power to make the separation, and erect distinct establishments for the said two classes of patients: *Provided*, That the same shall be approved and sanctioned by the contributors to the institution, at a general meeting to be convened at Pittsburg, upon a reasonable and public notice, to be given by the board of managers.

Property exempt from taxation.

SECTION 9. That the estate and property of the said hospital shall be exempt from taxation, so long as the same shall be used, conducted and employed as a public hospital or asylum, for the purposes hereinbefore mentioned; nor shall the ground of the said hospital be subject or liable to have any public road, street, lane or alley laid out or opened through it, as long as the same shall be used and employed for the purposes aforesaid.

Former act repealed.

SECTION 10. That the act of assembly, entitled "An Act to incorporate the Western Pennsylvania hospital society and the Pittsburg board of trade," passed the third day of April, one thousand eight hundred and thirty-seven, be and the same is hereby repealed, so far as

relates to the said hospital society; and all other acts relative to a Western Pennsylvania hospital, be and they are hereby repealed.

WILLIAM F. PACKER,  
*Speaker of the House of Representatives.*

WM. WILLIAMSON,  
*Speaker of the Senate.*

APPROVED—The eighteenth day of March, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

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No. 183.

### AN ACT

To authorize Sarah A. Wilson, of Allegheny county, to dispose of certain moneys, and to authorize the trustees of the Middle Octoraro Presbyterian congregation, of Lancaster county, to sell certain real estate.

WHEREAS, A certain Robert A. Wilson, of the city of Pittsburg, did, by his deed dated the tenth day of September, Anno Domini one thousand eight hundred and forty, convey to a certain James Brown, of the city of Allegheny, the sum of five thousand dollars, of the moneys of Sarah A. Wilson, the wife of the said Robert, in trust inter alia, for the sole and separate use of the said Sarah, during the period of her coverture, but without any power of appointment, except by an instrument in the nature of a last will and testament during the said period: Preamble.

*And whereas,* It is the desire of all the parties, as it is alleged to have been their intention at the making of the said settlement, that the same should be so reformed as to enable the said Sarah A. Wilson to dispose of the said money during the period of her coverture, in such manner as she shall think fit and proper; therefore,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority aforesaid,* That the trustee of the said Sarah A. Wilson, under the settlement aforesaid, be and he is hereby authorized and required to pay over and transfer the said moneys, so vested in him as aforesaid, to such person or persons, and for such use or uses as the said Sarah shall, notwithstanding her coverture, and during the continuance thereof by any instrument in writing under her hand and seal, executed in the presence of two or more witnesses, and by her separately acknowledged before some alderman or justice of the peace, to have been done of her own free will and accord, direct and appoint. Trustee required to pay over moneys on the direction of Sarah A. Wilson.

SECTION 2. That the trustees of the Middle Octoraro Presbyterian congregation of Lancaster county, or their successors in office, be and they are hereby authorized to sell or mortgage a portion of their real estate, situate in Bart township, in said county, for the purpose of paying debts of the said congregation: *Provided,* That before this act shall Trustees of Middle Octoraro Presbyterian congregation authorized to sell or mortgage real estate. Proviso.

become operative, the said trustees, or their successors, shall give security, to be approved by the court of common pleas in said county of Lancaster, for the faithful application of the proceeds of such sale or mortgage, agreeably to the provisions of this act.

WILLIAM F. PACKER,

*Speaker of the House of Representatives.*

WM. WILLIAMSON,

*Speaker of the Senate.*

APPROVED—The twenty-fourth day of March, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

No. 184.

## AN ACT

To authorize the trustees of the New Stanton meeting house, in Hempfield township, in the county of Westmoreland, to sell said meeting house.

SECTION 5. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* the trustees, for the time being, of the New Stanton meeting house in the township of Hempfield, in the county of Westmoreland, be and they are hereby authorized and empowered to sell and transfer to the purchaser the New Stanton meeting house, it being vested in the trustees of said church for the use of the members who contributed to its erection, for such price as they can obtain for the same; and such sale and transfer shall be valid and effectual to pass whatever title the said trustees may have to the New Stanton meeting house: *Provided, That* the proceeds of such sale shall be divided pro rata among the subscribers who contributed to the erection of said church; and George Meckling, esquire, is hereby appointed an auditor for the purpose of ascertaining the amount contributed by each individual, and to make distribution of the balance of the proceeds of such sale, after deducting the costs of sale, and auditing among the several contributors to said church, in proportion to the amount contributed by each one respectively; or in case any of the original contributors be dead, then his or her share of the proceeds of such sale shall be distributed among the persons entitled as the heirs or legatees of said deceased.

SECTION 2. The sale provided for in this act shall be made by the trustees, after having given notice of the time and place of the same by two publications, in one of the papers published in the borough of Greensburg; the one half of the purchase to be paid in hand, and the balance within one year, to be secured by bond with good and sufficient security: it shall be the duty of the said trustees to deliver to the auditor, within twelve months after the sale, the whole amount of the purchase money, who shall distribute the same among the persons entitled

Power to sell.

Proviso.

Distribution of proceeds.

Conditions of sale.

under this act, first deducting the costs as before provided for: *Pro-* Proviso.  
*vided*, That the sale hereby authorized shall in no way effect or interfere with the school privilege attached to the lot of ground on which said Stanton meeting house is erected.

WILLIAM F. PACKER,  
*Speaker of the House of Representatives.*

WM. WILLIAMSON,  
*Speaker of the Senate.*

APPROVED—The twenty-fourth day of March, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

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No. 185.

A N A C T

Relating to hunting and fishing in the counties of Huntingdon, Carbon, Luzerne, Dauphin, Mifflin, Elk, Pike, Monroe and Butler.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That from and after the passage of this act, if any person or persons in the counties of Huntingdon, Carbon, Luzerne, Dauphin, Mifflin or Elk, shall hunt, chase or pursue with any dog or dogs, with the design to kill or destroy any elk, buck, doe or fawn, within said counties, at any season of the year, or shall entice any dog or dogs to chase as aforesaid, with the like design, he or they, on being convicted thereof, shall forfeit and pay for every such offence the sum of twenty dollars, to be sued for and recoverable with costs of suit before any justice of the peace in the name of the commonwealth, at the instance of any person who will sue therefor, as debts of like amount are now recoverable by law; one-half of said fine or penalty shall be paid to the person or persons suing for the same, and the other half to the treasurer of the school district in which the offence has been committed, for the use of the common schools of such district. Hunting elk or deer, dogs prohibited.

SECTION 2. From and after the passage of this act, if any person or persons, in the county of Huntingdon, shall catch, take, kill or destroy, or shall fish for, with the design to catch, take, kill, or destroy any luee or pike in the Juniata river or its tributaries, within the said county of Huntingdon, between the first day of March and the first day of September, in each and every year, he or they, on being convicted thereof, shall forfeit and pay for every such offence the sum of five dollars, to be sued for and recoverable with costs of suit before any justice of the peace in the name of the commonwealth, at the instance of any person who will sue therefor, as debts of like amount are now recoverable by law; one-half of said fine or penalty shall be paid to the person or persons suing for the same, and the other half to the treasurer of the school Fishing in Juniata and tributaries prohibited in certain seasons.

district in which the offence has been committed, for the use of the common schools of such district.

Fishing in Broadhead's or M'Michael's creek, in Monroe county.

SECTION 3. That from and after the passage of this act, it shall not be lawful for any person or persons to fish with nets or seines, exceeding ten feet in length, in the waters of Broadhead's or M'Michael's creeks, in the county of Monroe; nor shall it be lawful for any person or persons to make use of cauculus indicus, lime, or any other poisonous mixture in the shape of pills or otherwise, by throwing or causing the same to be thrown into the aforesaid Broadhead's or M'Michael's creek, within the said county of Monroe, for the purpose of taking or catching fish; and any person or persons so offending, on conviction thereof, on the testimony of one or more witness before a justice of the peace of the said county, shall forfeit and pay a fine of twenty five dollars for every such offence, to be recovered as debts of equal amount are by law recoverable, by any person or persons who may sue for the same; one moiety thereof to be paid to the informer, and the other moiety to the supervisors of the public highways of the township where such offence shall have been committed, to be by them applied to improving the roads and highways in their respective townships: *Provided however*, That such prosecution shall be commenced within thirty days after such offence shall have been committed.

Proviso.

Fishing prohibited in lakes or ponds in Pike or Monroe counties for four years.

SECTION 4. That it shall not be lawful for any person to take or kill any pickeral or pike, in any of the lakes or ponds in the county of Pike or Monroe, for the period of four years after the passage of this act, under the penalty of twenty dollars for every offence, to be recovered by action of debt as debts of a similar amount are recoverable, by any person who shall sue for the same in a qui tam action; one-half to the use of the supervisor of the roads of the proper township, and the other half to the use of him who sues for the same, or by summary conviction in the name of the commonwealth; in which latter case the whole penalty shall be paid to the supervisors of the township in which the offence shall be committed; and no inhabitant of such township shall be disqualified from being a witness in any suit or prosecution if otherwise entitled to testify.

In Monroe, punishable by imprisonment.

SECTION 5. Any person convicted of fishing as aforesaid, in the said Broadhead's or M'Michael's creeks, upon failure of sufficient goods and chattels whereon to levy or distrain, shall be committed to the jail of the county of Monroe, for the space of not less than eight nor more than twenty days, in the discretion of the court.

Preservation of fish in Connoquenessing creek, repealed.

SECTION 6. That so much of the act passed the twenty-third day of June, one thousand eight hundred and forty-two, entitled "An Act to prevent the destruction of fish in the Allegheny, Monongahela and Ohio rivers, and for other purposes," as relates to the Connoquenessing creek, in the county of Butler, be and the same is hereby repealed.

WILLIAM F. PACKER,

*Speaker of the House of Representatives.*

WM. WILLIAMSON,

*Speaker of the Senate.*

APPROVED—The twenty-fourth day of March, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

## No. 186.

## AN ACT

To authorize the trustees of the six united congregations of Lutheran churches, in the counties of Northumberland and Columbia, to sell and convey certain real estate, and to confirm the sale of the real estate of John Bicher, late of Brecknock township, Lancaster county, deceased.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That John Haag, Stephen Glaze, Jacob Doeblor, Jacob Berger, John Gouger and William Heines, the present trustees of the six united congregations of Lutheran churches, in the counties of Northumberland and Columbia, and their successors in office, are hereby authorized and empowered to sell, either at public or private sale, and to convey, in fee simple, and to make and execute, to the purchaser or purchasers thereof, a good and sufficient conveyance and assurance in law, a certain house and half lot of ground, situate in the borough of Milton, in the county of Northumberland, marked and numbered in the general plan of said borough, number ninety-seven, being the same lot which Robert H. Hammond and wife, by their deed, dated the tenth of June, one thousand eight hundred and forty-seven, conveyed to the trustees of the said congregations of Lutheran churches, their heirs and successors, as a parsonage for the time being; and the proceeds of said sale, the said trustees, after the payment of the costs of sale, if any, shall divide equally to each of the said six congregations of Lutheran churches in Northumberland and Columbia counties, or according to the respective shares of said congregations: *Provided,* That before such sale the said trustees shall execute and file, in the office of the prothonotary of Northumberland county, a bond to the commonwealth, with such security as the court of common pleas of said county shall approve, conditioned for the faithful distribution and application of the moneys arising from said sale, to the congregations entitled to the same. Trustees authorized to sell.

SECTION 2. That the sales made, or which shall hereafter be made, by the executors or surviving executor of John Bicher, late of Brecknock township, Lancaster county, deceased, of said deceased's real estate, shall be and they are hereby confirmed, allowed and made good, valid and effectual in the purchaser or purchasers thereof; and the executors aforesaid, or the survivor, shall have full power and authority to convey and grant to the purchaser or purchasers of such real estate, all the right and title of the testator, in the premises sold, which he had and held at and immediately before his death: *Provided,* That the purchaser or purchasers thereof comply fully with the conditions of such sale or sales. Executors of John Bicher, deceased, to sell.

WILLIAM F. PACKER,  
*Speaker of the House of Representatives.*

WM. WILLIAMSON,  
*Speaker of the Senate.*

APPROVED—The twenty-fourth day of March, one thousand eight hundred and forty-eight. Titles confirmed.

FRS. R. SHUNK.

No. 187.

## AN ACT

Providing for the expenses of roads and poor, in Reserve township, in the county of Allegheny.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That the provisions of an act providing for the expenses of roads and poor in Pitt township, in the county of Allegheny, passed April twenty-first, one thousand eight hundred and forty-six, except the eighth section thereof, be and the same are hereby extended to the township of Reserve, in said county; and the annual elections, under this act, shall be held at the time fixed for township elections by the general laws of the commonwealth; and all officers heretofore elected in said township, whose duties are altered hereby, shall continue to act until the first election shall have been held under this act.*

WILLIAM F. PACKER,  
*Speaker of the House of Representatives.*

WM. WILLIAMSON,  
*Speaker of the Senate.*

APPROVED—The twenty-fourth day of March, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

No. 188.

## AN ACT

To enable the trustee under the will of Paul Cox, to sell and convey certain real estate in the city of Philadelphia.

Preamble

WHEREAS, Paul Cox, late of the city of Philadelphia, deceased, by his last will and testament, dated ninth November, one thousand eight hundred and eighteen, duly proved in the office for the probate of wills in said city, devised to Matthew C. Ralston inter alia, a certain house and lot in the city of Philadelphia, situate on Delaware Front street, below Walnut street, No. 88, for the following purpose to wit:—To be used by the family of Paul Cox Stewart; in case of his death, and his widow should again marry, the use of the said house shall cease as to her, and the said trustee transferring or paying her certain moneys in discharge of all claims: the said children, being represented by guar-



dians, or being of age, may receive a transfer from said trustee of the said house and lot, and may sell and convey the same, an equal distribution being to be made amongst all the said children and their respective heirs and assigns :

*And whereas,* The said Paul Cox Stewart and wife are still living and have several children, several of whom are minors :

*And whereas,* The parties cannot, by any legal mode, convey a title to said property under existing circumstances, although their interests would be promoted by selling it, and investing the proceeds in more profitable estate :

*And whereas,* Joseph Lesley has been appointed trustee under said will, in place of said Matthew C. Ralston, deceased, and he and the several parties in interest have united in asking that power to sell and convey the said property, be given by legislative enactment to the said trustee ; therefore,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the trustee for the time being, under the will of Paul Cox, late of the city of Philadelphia, deceased, shall be and he is hereby authorized and empowered to sell and dispose of the aforesaid messuage and lot of ground, number eighty-eight South Front street, in the said city, in the said will mentioned, with the appurtenances, at public or private sale, either for cash or with the reservation of ground rent, subject or not subject to extinguishment on the payment of a certain sum of money, as the said trustee may see fit, and to convey to the purchaser or purchasers a good and valid estate, in fee simple, in the said premises, freed and discharged from the trusts in the said will, but subject, if sold on ground rent, to the rent, conditions and stipulation in such ground rent deed contained ; and in case such ground rent be made subject to extinguishment as aforesaid, the said trustee shall have power and he is hereby authorized to receive the said payment according to the stipulations of the ground rent deed, and thereupon to execute and deliver a good and sufficient release and extinguishment of the said ground rent, to the said purchaser or purchasers, who shall in no event be bound to see to the application of the said consideration money, or the money paid in extinguishment of the said ground rent : *Provided always,* That any rent reserved as aforesaid shall be made payable to the trustee, in trust for the same uses and purposes as are set forth in the said will of Paul Cox, deceased, concerning the said messuage and lot : *And provided also,* That before any consideration money, or any money paid in extinguishment of ground rent, shall be received by the said trustee, he shall give bond with surety, to be approved by the court of common pleas for the county of Philadelphia, conditioned to invest the money so paid in such securities, or in the purchase of such ground rents as the said court may approve, to be held in trust for the same uses and purposes as are set forth in the said will concerning the said messuage and lot.

Power to sell.

Proviso.

Proviso.

WILLIAM F. PACKER,  
*Speaker of the House of Representatives.*

WM. WILLIAMSON,  
*Speaker of the Senate.*

APPROVED—The twenty-fourth day of March, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

No. 189.

## AN ACT

For the relief of George M'Combs, for loss sustained by the breaking down of a bridge across the Pennsylvania canal.

**Auditor General.** **SECTION 1.** *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* the auditor general be and he is hereby authorized to examine the claim of George M'Combs, of the county of Allegheny, for damages sustained in consequence of the breaking down of a bridge across the Pennsylvania canal at Sharpsburg, in said county, while his wagon and team were crossing the same with a load of lime, in the summer of the year one thousand eight hundred and forty-three, and certify the amount of the actual loss or damage sustained by said M'Combs, to the state treasurer, who is authorized to pay the same out of any money in the treasury not otherwise appropriated: *Provided, The amount allowed shall not exceed one hundred and fifty dollars.*

WILLIAM F. PACKER,  
*Speaker of the House of Representatives.*

WM. WILLIAMSON,  
*Speaker of the Senate.*

**APPROVED**—The twenty-fourth day of March, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

No. 190.

## A SUPPLEMENT

To the act, entitled "An Act to incorporate the Williamsport bridge company, in the county of Lycoming, and for other purposes."

**Election by ballot.** **SECTION 1.** *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* from and after the passage of this act, the stockholders of the Williamsport bridge company shall be entitled to vote by ballot, to be delivered in person or by proxy, duly authorized, at any election for officers, or in determining any question which may arise at any meeting of the said  
**Number of votes.** company, as follows, to wit: For each and every share not exceeding ten shares, one vote; for every two shares above ten and not exceeding twenty shares, one vote; for every four shares above twenty and not

exceeding forty shares, one vote; but no person shall have more than twenty votes in his own right, at any such election or meeting as aforesaid.

SECTION 2. That so much of the act to which this is a supplement, Repeal. as is hereby altered or supplied, be and the same is hereby repealed.

WILLIAM F. PACKER,  
*Speaker of the House of Representatives.*

WM. WILLIAMSON,  
*Speaker of the Senate.*

APPROVED—The twenty-fourth day of March, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

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No. 191.

## A SUPPLEMENT

To an act, entitled "An Act to erect the town of Mercersburg into a borough," approved the twenty-sixth day of February, Anno Domini one thousand eight hundred and thirty-one.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That after the passage of this act it shall and may be lawful for the burgess Town council and town council of the said borough, in addition to the officers authorized to be appointed by the sixth section of the act to which this is a supplement, to appoint one person to act as borough collector, and two or more persons to act as street commissioners, whose duties shall be the same as those of similar officers in other incorporated towns; and also such other officers and agents as shall be deemed necessary to carry into effect the by-laws and ordinances of said borough; and the same officers to pay such salaries and allowances as their services may deserve, and the same officers and agents from time to time to remove; and the said officers and agents, as well as those already authorized by the act to which this is a supplement, shall be paid out of the borough treasury, by orders drawn thereon by the burgess or councilman acting in his place.

SECTION 2. The town constable of the said borough, elected in pursuance of the act to which this is a supplement, shall, in addition to the powers already granted, have power to execute civil and criminal process issued by any of the justices of the peace of the county of Franklin; and in general to possess all powers now legally exercised by township constable; and such constable shall, when required by the burgess and council, act as borough collector, having first given bail for the faithful performance of his duties.

SECTION 3. The burgess is hereby authorized to issue his precepts Burgess to issue as often as occasion may require, to the collector, commanding him to precepts to collect all taxes assessed, and penalties inflicted by the burgess and town council, in pursuance of the act to which this is a supplement, tor.

and the by-laws and ordinances enacted in accordance therewith, and the same to pay over to the borough treasurer; which collector shall have all the powers which collectors of county rates and levies now have. And the said burgess may, in like manner, issue his precepts for the collection of taxes and penalties which may have been assessed or inflicted before the passage of this act, and yet unpaid; in collecting which taxes and penalties the said collector shall have the same powers as are granted above.

Appeal.

SECTION 4. It shall be the duty of the burgess and town council of said borough, to meet within ten days after the assessment of any tax for the use of the borough is completed, and ten days before any attempt is made to collect the same, for the purpose of hearing any complaints against, and for remedying any grievances which may have occurred in, said assessment; and it shall be the duty of the town clerk to give at least one week's public notice of the said meeting.

To build a lock-up house.

SECTION 5. The burgess and council are hereby authorized and empowered to furnish materials, and build or otherwise provide in or near the said borough, and at the expense of said borough, a suitable house, or other place for the security and temporary detention of persons committed by justices of the peace of said borough or vicinity, and by the burgess, or member of the town council acting in his place, for any violation of the laws of this commonwealth, or of the ordinances of said borough, for which such person or persons could lawfully be committed to the county prison of Franklin county, there to remain and be kept until such offender or offenders can be removed to the county prison, if committed for an indictable offence, or otherwise could be discharged according to law: *Provided*, That no person shall be confined in said house, or other place, at any one time for a longer period than twenty-four hours, unless such person or persons be charged with an indictable offence, and it be necessary to detain him, her or them for examination. And the said burgess is hereby authorized to inflict the punishment of imprisonment in said house, or other place provided with the above limitations, upon such person or persons as may violate the ordinances of the said borough, unless such offender or offenders could be more properly punished by fine.

Proviso.

Expense, how to be paid.

SECTION 6. The expense of committing and keeping any person or persons in the said house, or other place, on the charge of having committed an indictable offence, shall be paid by the county of Franklin, upon the presentation of proper accounts of the same to the commissioners of said county.

Court of quarter sessions may amend charter.

SECTION 7. From and after the passage of this act, the court of quarter sessions of Franklin county, shall have as complete and full power to extend, alter, limit or amend the charter of the said borough of Mercersburg, as if the said borough had been incorporated by the said court under the general act of April first, one thousand eight hundred and thirty-four, providing for the incorporation of boroughs: *Provided*, That no such alterations or amendments shall be made by the said court, unless petitioned thereto by a majority of the taxable inhabitants of the borough; and the alteration or amendment asked for, shall be certified by the burgess and town council to be proper and necessary.

Proviso.

WILLIAM F. PACKER,

*Speaker of the House of Representatives.*

WM. WILLIAMSON,

*Speaker of the Senate.*

APPROVED—The twenty-fourth day of March, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

## No. 192.

## A N A C T

Relative to the claim of James M'Cann and George W. Patton. \*

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the canal commissioners be and they are hereby authorized to examine the claim of James M'Cann, of Chester county, for damages sustained by the breaking of an axle of a locomotive engine, on the Columbia and Philadelphia railroad, causing the said engine to run off the line of the state railroad and thereby damage the cars of the said James M'Cann, standing on his own property, and report the facts to the legislature: *Provided,* The damages, if any, shall have been found to have occurred in consequence of the negligence of the state agents, or the insufficiency of the locomotive.

Canal commis-  
sioners.

Claim damages,  
James M'Cann.

SECTION 2. That the auditor general be and he is hereby authorized and required to settle and adjust the account of George W. Patton, late supervisor on the Juniata division of the Pennsylvania canal, for any interest he shall have paid to the Bank of Lewistown, for money borrowed by him for the use of the commonwealth: *Provided,* The same shall not exceed the sum of one hundred and ten dollars and thirteen cents.

Auditor general.  
Claim of Geo.  
W. Patton.

WILLIAM F. PACKER,  
*Speaker of the House of Representatives.*

WM. WILLIAMSON,  
*Speaker of the Senate.*

APPROVED—The twenty-fourth day of March, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

## No. 193.

## A N A C T

Relating to the Mutual family burial ground association of the city and county of Philadelphia.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That

Penalty for removing body or remains. if any person shall open any tomb or grave in the lands of the burial ground of the Mutual family burial ground association, of the city and county of Philadelphia, and clandestinely remove, or attempt to remove, any body or remains therefrom, such person, upon conviction thereof, shall be sentenced to undergo an imprisonment, in the prison of the county of Philadelphia, at hard labor, for a term of not less than one, or more than five years, and pay a fine of not less than five hundred dollars, at the discretion of the court of quarter sessions for the county of Philadelphia; and any person who shall wilfully destroy, mutilate, deface, injure or remove any tomb, monument, grave stone or other structure, placed in the burial ground aforesaid, or any fence, railing or other work, for the protection or ornament of said burial ground, or of any tomb, monument, grave stone or other structure, placed therein as aforesaid, or shall wilfully destroy, cut, break or remove any tree, shrub or plant, within the limits of said burial ground, or shall shoot or discharge any gun or other fire arms, within said limits, shall be deemed guilty of a misdemeanor, and shall, upon conviction thereof, before any justice of the peace or alderman of the county of Philadelphia, be punished by a fine, at the discretion of the justice or alderman, according to the aggravation of the offence, of not less than five or more than fifty dollars, or shall, on conviction thereof, in the court of quarter sessions of said county, be punished by a fine as aforesaid, and by imprisonment according to the aggravation of the offence, at the discretion of the court, for a term of not less than six months, or more than three years.

Rights of exemptions. SECTION 2. That every lot in the said burial ground of the Mutual family burial ground association of the city and county of Philadelphia, shall be held by the proprietor, for the purpose of sepulture alone, transferable with the consent of the president and directors thereof, and shall not be subject to attachment or execution; and the said burial ground shall hereafter be forever exempted from taxation: *Provided*, That nothing herein contained shall be construed to exempt the said burial ground from the payment of state taxes, or assessments for corporation improvements along the front of said burial ground. *And provided further*, That the said exemption from attachment or execution, shall not extend to more than four lots held or owned by any one person in the said burial ground.

Proviso.

Proviso.

WILLIAM F. PACKER,  
*Speaker of the House of Representatives.*

WM. WILLIAMSON,  
*Speaker of the Senate.*

APPROVED—The twenty-fourth day of March, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

No. 194.

## AN ACT

To incorporate the Philadelphia cemetery company, in Passyunk township, county of Philadelphia.

WHEREAS, The practice of burying in populous cities is becoming more objectionable, and more burdensome and expensive to the community, by reason whereof it was thought expedient to make some other provision for the decent respect which is due to the dead, free from the inconveniences above mentioned: Preamble

*And whereas,* Several citizens of this commonwealth, hereinafter named, have associated for the purpose of establishing a cemetery in Passyunk township, in the county of Philadelphia, containing in the whole about twenty-two acres and twenty-four perches, lying on the north-westwardly side of the Passyunk road, immediately below the Girard school house, to be used only for the purpose of interment; and have desired that they and their successors may be incorporated, for establishing and perpetuating such cemetery, with such powers as are necessary for that object:

*And whereas,* It seems reasonable and necessary to provide for the permanence of the establishment, so that those who bury there may be assured of continued protection to the remains of relatives and friends, who have been committed to the earth, and of the decent preservation of the ground; therefore,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That George Wood, James S. Pringle, John W. Tilford, John S. Wood, J. Harrison Hedges, Horatio B. Pennock, Francis F. Clifton, and Benjamin F. Hedges, be and they hereby are made a body politic and corporate in law, under the name, style and title of the "Philadelphia cemetery company," and by that name shall be able and capable in law, to have and use a common seal, to sue and be sued, to plead and be impleaded, and to do all such other things as are incident to a corporation. Incorporators

SECTION 2. That the first five persons above named, shall be managers of the said Philadelphia cemetery company, and shall have power to lay out and ornament the grounds, to remove or alter the old buildings and erect new ones, to dispose of and arrange burial lots, to make such by-laws, rules and regulations, to the election and duties of managers and their successors, the appointment of suitable officers and agents, with their several duties and compensations, and to make such rules and regulations, from time to time, for the government of lot-holders and visitors to the cemetery, as they may deem necessary and convenient for carrying into effect the object of the association, and the due management and regulation of the affairs thereof: *Provided,* That the extent of said ground to be appropriated under this act, shall in no case exceed twenty-three acres. Power to lay out ground into lots.

SECTION 3. That the said Philadelphia cemetery company shall be able and capable in law, to have and to hold so much personal estate, and no more, as may be necessary for the purposes of this incorpora- To hold personal estate.

**Proviso.** tion, or with the consent of those who now are, or hereafter may be, proprietors of the ground, to assume the management, direction and disposal of the same: *Provided*, That said tract of land lying north-westwardly of the Passyunk road as aforesaid, shall never be granted but for burial lots; and that the burial lots so granted, shall be subject to the powers of this act.

**Management of affairs.** SECTION 4. That the affairs of the association shall be under the control of five managers, to be elected from among and by the members, in such manner, and at such times as the by-laws, made in pursuance of this act, shall specify; but no election for managers shall take place before the first Monday in July next ensuing, and the first five members named in the first section of this act, shall be managers until the first Monday of July next aforesaid, and till others shall be elected.

**Exempt from taxation.** SECTION 5. That the grounds of said cemetery company shall hereafter be exempt from taxation, and the lots in the said cemetery shall not be subject to attachment or execution: *Provided*, That the said exemption from attachment and execution, shall not extend to more than four lots of the size originally laid out, held by any one individual: *And provided further*, That nothing herein contained shall be construed so as to exempt the grounds of said cemetery company from taxation, for state or corporation, road, county and poor purposes, or from such assessments or taxation as may be made by the managers thereof, for cemetery purposes, in pursuance of the by-laws of said company.

**Proviso.** SECTION 6. That no street or roads shall hereafter be opened through the lands of the said corporation, occupied as a burial ground, except by and with the consent of this corporation.

WILLIAM F. PACKER,  
*Speaker of the House of Representatives.*

WM. WILLIAMSON,  
*Speaker of the Senate.*

APPROVED—The twenty-fourth day of March, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

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No. 195.

## AN ACT

To attach the county of M'Kean to the western district of the supreme court.

*Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That the county of M'Kean, after the month of July next, shall be attached to and form*



a part of the western district of the supreme court, instead of the northern district of said court.

WILLIAM F. PACKER,  
*Speaker of the House of Representatives.*

WM. WILLIAMSON,  
*Speaker of the Senate.*

APPROVED—The twenty-fourth day of March, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

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No. 196.

AN ACT

To authorize a state road to be laid out from opposite the store house of Robert Thompson, in Juniata county, to intersect the west end of the bridge at Millers-town, in Perry county, and to widen so much of the Reading road as lies between North Queen and Duke streets, in the city of Lancaster.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That Mathias Rumbaugh, of Perry county. and William Moore and Samuel O. Evans, of Juniata county, be and they are hereby appointed commissioners to view and lay out a state road from opposite the store house of Robert Thompson, in Juniata county, to intersect on or near the west end of the Millerstown bridge, in Perry county.* Commissioners.

SECTION 2. That it shall be the duty of said commissioners, after taking an oath or affirmation before a justice of the peace, to perform the duties enjoined on them by this act with impartiality and fidelity, carefully to view the ground over which the road may pass, and lay out the same of the width of thirty-three feet, so that the vertical departure from a horizontal line shall at no time exceed five degrees, except at the ravines, or crossings of ravines and streams. Duty.

SECTION 3. That it shall be the duty of said commissioners, plainly and distinctly to mark on the ground the route agreed upon for said road, in such a manner as to enable the supervisors readily to find the same; and for the purpose of fulfilling the duties of this act, the said commissioners are hereby authorized to employ a surveyor, at a per diem allowance of two dollars; also two chain carriers and one axeman, at a per diem allowance of one dollar each; and the said commissioners shall receive a per diem not to exceed one dollar and fifty cents each, for every day necessarily spent by them in performing the duties enjoined by this act. Mark route.

SECTION 4. It shall be the duty of said commissioners to make out a fair and accurate draft of the location of said road, noting thereon the courses and distances as they occur, the improvements through which the road passes, and also the crossing of county or township lines, Draft.

waters and such other matters as may serve for explanation; one copy thereof shall be filed in the office of the secretary of the commonwealth, on or before twentieth day of November, one thousand eight hundred and forty-eight, and one copy in the office of the clerk of the court of the respective counties through which said road may pass or be laid out, on the day aforesaid, or sooner if practicable, which shall be a record thereof; and from thenceforth the said road shall be, to all intents and purposes, a public highway, and shall be opened and repaired, in all respects, as roads are opened and repaired which are laid out by county courts.

Accounts, how  
settled.

SECTION 5. That the accounts of said commissioners' fees, and the pay of the surveyor, chain carriers and axemen, shall be made out and returned to the commissioners of the respective counties in which said road may be located, in proportion to the time spent in said counties, respectively, in locating said road, and they shall be paid out of the treasury of the respective counties, on warrants drawn in the usual way.

Time of meeting.

SECTION 6. That the said commissioners shall meet on or before the twentieth day of April, one thousand eight hundred and forty-eight, to complete the view of said road; and if any vacancies shall occur by resignation or otherwise, the court of quarter sessions of the county wherein such vacancy or vacancies shall or may take place, is hereby empowered to appoint a suitable person or persons to fill such vacancy or vacancies.

Lancaster city  
authorized to  
widen Reading  
road.

SECTION 7. That the select and common councils of the city of Lancaster, are hereby authorized and empowered to cause the street commissioners of the said city, to widen, on the south-east side, so much of the Reading road as lies between North Queen street and Duke street, in said city: *Provided*, That said street shall not be made more than forty feet wide.

Proceedings to  
ascertain dam-  
ages.

SECTION 8. That the court of quarter sessions of Lancaster county, on the petition of any owner of a lot or land, on the south-east side of that portion of the said street, so widened as above, representing that he has sustained damages thereby, shall appoint six freeholders of the said city to view the premises and judge the amount of damages (if any) sustained, taking into consideration the probable advantages of the widening of said street to the complainant, and after their report is approved by the court, the said damages shall be paid out of the funds of said city: *Provided always*, That the said viewers shall, each of them, before they proceed to assess the said damages, take an oath or affirmation, before some judge or alderman, justly and truly to value the same, and to consider the advantages as well as disadvantages of the widening of the said street to the complainant.

WILLIAM F. PACKER,  
*Speaker of the House of Representatives.*

WM. WILLIAMSON,  
*Speaker of the Senate.*

APPROVED—The twenty-fourth day of March, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

No. 197.

## A N A C T

To vacate Minnow run, in the city of Philadelphia.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* Minnow run, as the same is now laid out, opened and used northward from the north side of Filbert street, in the city of Philadelphia, to the termination thereof, and as the same is designated in the various deeds of real estate adjacent thereto, be and the same is hereby vacated, and that the title to the soil over which the same passes, be and the same is hereby vested in fee simple, as to so much thereof as lies north of Filbert street, and between said Filbert street and Ann street, in Richard Randolph, through whose premises the same passes; and as to so much thereof as lies north of said Ann street, be vested in Charles L. Desauque, the owner of the land through which the same passes.

WILLIAM F. PACKER,  
*Speaker of the House of Representatives.*

WM. WILLIAMSON,  
*Speaker of the Senate.*

APPROVED—The twenty-fourth day of March, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

No. 198.

## A N A C T

Authorizing the qualified voters of the Upper ward, Germantown, Philadelphia county, to elect three commissioners, whose duty it shall be to take charge of the public highways in said ward.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* on the third Friday in March next, the qualified voters of the Upper ward, of the township of Germantown, shall elect three commissioners, Elect three commissioners. whose duty it shall be to take charge of the public highways of said ward; the commissioners so elected shall meet on the first Monday of

- Classification. April next ensuing, at three o'clock, P. M., at the place of holding the election of said ward, and divide themselves by lot into three classes: one to serve one year, one to serve two years, and one to serve three years; and the voters shall, annually thereafter, commencing on the third Friday in March, elect one commissioner to serve for three years; the commissioners so elected, shall have power to fill any vacancies that may occur in the board, until the succeeding election in March, when such vacancy shall be filled by the qualified voters.
- Powers of commissioners. SECTION 2. The commissioners shall have all the powers now granted to the supervisor, and shall be subject to like penalties for neglect of duty; they shall place all roads or highways out, under contract, to the lowest and best bidder, in such manner as a majority of them may deem most advisable, giving at least ten days' public notice, either by advertisement in one or more public papers, or by handbills: *Provided*, Nothing herein contained shall be construed to authorize the commissioners to employ day laborers in repairing said road.
- Annual meeting of commissioners. SECTION 3. The commissioners shall meet annually, on the first Monday in April, and shall then elect one of their body as president, one other of their body as secretary and treasurer, who shall give good and sufficient security, to be approved by the other commissioners, in double the amount of the duplicate received by him, and for collecting and disbursing the same, he shall receive five per centum on all moneys received; all moneys drawn from the treasury, shall be by orders drawn by the president, and countersigned by the other commissioner.
- Compensation. SECTION 4. The commissioners shall, for their services in attending to, and in seeing that the roads and bridges are in order, and the contracts fully complied with, receive like compensation for their services as supervisors are now allowed by law: *Provided*, That no commissioner shall, for such services, receive more than fifteen dollars in any one year.
- Proviso.
- Repeal. SECTION 5. All acts authorizing the election of a supervisor for the Upper ward, of the township of Germantown, and all acts altered and supplied, be and the same are hereby repealed.

WILLIAM F. PACKER,  
*Speaker of the House of Representatives.*

WM. WILLIAMSON,  
*Speaker of the Senate.*

APPROVED—The twenty-fourth day of March, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

No. 199.

## A N A C T

To vest the right of this commonwealth in and to the estate of James Minchart, deceased, in Margaret Minehart.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* all the right which this commonwealth may have, or might have acquired, by reason of an escheat for want of heirs of James Minehart, deceased, of Fayette county, in and to a certain sum of money deposited in the Monongahela Bank of Brownsville, whereof the said James Minehart died seized and possessed, is hereby vested in Margaret Minehart, of the said county.

WILLIAM F. PACKER,  
*Speaker of the House of Representatives.*

WM. WILLIAMSON,  
*Speaker of the Senate.*

APPROVED—The twenty-fourth day of March, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

No. 200.

## A N A C T

To confirm the title of Isaac Roach and others, to certain real estate, in the county of Philadelphia.

WHEREAS, George Hammond and Margaret, his wife, Anne Allen and others, of the city of London, made and executed a certain letter of attorney, bearing date the sixth of June, Anno Domini one thousand seven hundred and ninety-eight, to Andrew Allen, to sell and convey, inter alia, their interest in certain real estate in the county of Philadelphia: Preamble.

*And whereas,* The said letter of attorney was not proved according to the provisions of the laws of this commonwealth; therefore,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* the same shall be held and deemed to have been duly proved, and the record of the same, in the office of the recorder of deeds for the city and county of Philadelphia, in letter of attorney book E F, No. 1, page Power of attorney declared valid

234, et cetera, shall be deemed and taken to be a valid and lawful record; and all exemplifications of the said letter, heretofore made by the said recorder, or which shall hereafter be made by him, shall be received in evidence, in all the courts of justice of this commonwealth, with the same effect as if the original letter of attorney were produced in evidence, with due proof of its execution and delivery; and that the title of all persons to the real estate, derived under and in pursuance of the said letter of attorney, be and the same is hereby confirmed in all respects, as if it had been acknowledged by the parties thereto in due form of law, and before a duly authorized officer.

WILLIAM F. PACKER,  
*Speaker of the House of Representatives.*

WM. WILLIAMSON,  
*Speaker of the Senate.*

APPROVED—The twenty-fourth day of March, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

No. 201.

## AN ACT

To confirm the title of Charles L. Knauss and James T. Borhek, to certain real estate.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That the title to certain real estate, in the town of Bethlehem, in the county of Northampton, consisting of several lots, designated and numbered in the plot or draft of said town, as lots number three, number four, number five, number six, number thirteen, number fourteen, number fifteen and number thirty-two, situate upon the public road leading from Bethlehem to Allentown; and lots number one, number two and number twenty-three, situate on the public road leading from Bethlehem to Philadelphia, and which were sold on the eleventh day of December last, by the executors of Henry G. Guetter, deceased, and purchased by Charles A. Luckenbach, who is about to convey the same to James T. Borhek and Charles L. Knauss, be and the same is hereby vested, validated and confirmed in the said Charles A. Luckenbach and his vendees, as fully and beneficially as the said Henry G. Guetter, in his lifetime held and enjoyed the same; and that the said sale and conveyance to the said Charles A. Luckenbach, or the sale and conveyance by him to the said James T. Borhek and Charles L. Knauss, shall not be avoided, invalidated or prejudiced, or the title in any manner affected by reason of the said James T. Borhek, having been an executor of the last will and testament of the said deceased, but the same shall be held*

Title confirmed.

and considered as though the said James T. Borhek had been a stranger to the said trust.

WILLIAM F. PACKER,  
*Speaker of the House of Representatives.*  
 WM. WILLIAMSON,  
*Speaker of the Senate.*

APPROVED—The twenty-fourth day of March, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

No. 202.

## AN ACT

To incorporate the Richboro' and Pineville turnpike road company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same.* That Thomas Warner, Jesse P. Carver, Charles W. Smith, John Thompson, George W. South, William Thompson, Thomas Hillborn, Thomas E. Bethell, James Gaîne, Joseph Warner, Isaiah W. Closson, Charles Blaker, M. Edmund, S. Atkinson, John K. Trego, George Chapman, Benjamin Croasdel, John R. Bodine, David Feaster, Joseph Camm, Henry Kroeson, Joseph Addes, William H. Slack, James C. Cornell, James S. M'Nair, Joseph Doan, Joshua Dungan, Samuel Wilkinson, John Eastburn, Benjamin Wiggins, Croasdel Warner, Benjamin Doan, Stacy Brown, Samnel Atkinson, Josiah B. Smith, John Murphit, Samuel Tomlinson, John B. Claxton, James Kirk, William Hibbs, Isaac C. Kirk, James Simpson, Joseph Carver, esquire, Mahlon Atkinson, Joseph Hampton, Amos Kirk, William Stavely, William Smith, Isaac Coulton, Joseph Carver Solbury, Christopher S. Everitt, of Bucks county, are hereby appointed commissioners, and shall, on or before the first Monday of September next, procure one or more books, and enter in each of them as follows: "We whose names are herennto subscribed, do promise to pay to the president and managers of the Richboro' and Pineville turnpike road company, the sum of twenty-five dollars for every share of stock set opposite our respective names, in such manner and proportions, and at such times as shall be determined by the president and managers of said company, in pursuance of an act of the general assembly of this commonwealth, by which said company is incorporated, for the purpose of making an artificial road from Richboro' to Pineville, in the county of Bucks. Witness our hands the day of \_\_\_\_\_, in the year of our Lord one thousand eight hundred and \_\_\_\_\_;" and shall thereupon give notice in two or more of the public papers, printed in the county of Bucks, for ten days at least, of the time and place, when and where the said books shall be opened to receive subscriptions for the stock of the said company; and some one of the said commissioners shall attend accordingly, and permit all persons of lawful age, who shall offer to subscribe in their

Commissioners.

Form of sub-  
 scription.

Notice to open  
 books.

Duties.

own name, or names of any other person or persons, who shall duly authorize the same, for any number of shares in the said stock; and the said books shall be kept open for the purpose aforesaid, at least six hours in every juridical day, for the space of three days, or until fifty shares be subscribed; and if at the expiration of the said three days, one hundred shares shall not have been subscribed, the commissioners may adjourn from time to time, and transfer the said books from place to place, until the whole number of shares shall be subscribed, of which adjournments and transfers such public notice shall be given as the occasion may require; and when the whole number of shares shall amount to four hundred and fifty shares, the same may be closed; and every person offering to subscribe in his own name, or the name of any other person, shall previously pay to the attending commissioners the sum of one dollar for every share to be subscribed, out of which shall be defrayed the expenses attending the taking such subscriptions, and other incidental charges, and the remainder shall be paid over to the treasurer of the corporation, as soon as the same shall be organized, and the officers chosen as hereinafter mentioned.

Letters patent.

SECTION 2. When ten or more persons shall have subscribed fifty or more shares, and the said commissioners, or a majority of them, shall have certified, under their hands and seals to the governor, the names of the subscribers, and the number of shares subscribed by each, it may be lawful for the governor, by letters patent under his hand and the seal of the state, to create and erect the subscribers, and also all those who may afterwards subscribe, into one body politic and corporate, in deed and in law, by the name, style and title of the president, managers and company of the Richboro' and Pineville turnpike road company. The officers shall consist of one president, six managers, one treasurer, and such other officers as may be necessary to conduct the business of said company, to be chosen in the same manner and form, and governed by the same laws that regulate the election and govern the officers of the Richboro' and Feasterville turnpike road company.

Officers of company.

Location of road.

Width.

Powers and privileges.

SECTION 3. The said Richboro' and Pineville turnpike road to commence at the end of the present turnpike road at Richboro', in the township of Northampton, and to be laid on or near the bed of the present public road leading to Pineville, by the anchor tavern in the township of Wrightstown; the width of the road to be not less than thirty-three feet, nor more than fifty feet; the bed of stone to be laid not less than sixteen and one-half feet, nor more than eighteen feet; the hills to be graded down to five degrees; and the said Richboro' and Pineville turnpike road company shall be governed by the same laws and regulations, and have the same powers and privileges as are granted to the Richboro' and Feasterville turnpike road company, in the act, entitled "An Act to authorize the governor to incorporate the president, managers and company of the Richboro' and Feasterville turnpike road company," approved the eighteenth day of April, Anno Domini one thousand eight hundred and forty-four.

Supervisors of township to subscribe for stock.

SECTION 4. That the supervisor of Northampton township may subscribe twelve shares of stock, and the supervisor of Wrightstown township twenty shares of stock to said company, for their townships respectively.

WILLIAM F. PACKER,

*Speaker of the House of Representatives.*

WM. WILLIAMSON,

*Speaker of the Senate.*

APPROVED—The third day of March, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.



No. 203

## AN ACT

To change the name of Jacob Forney to Jacob Howard Forney.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That Jacob Forney, of Maiden Creek township, Berks county, be authorized to change his name from Jacob Forney to Jacob Howard Forney, and he shall henceforth be called and known by the name of Jacob Howard Forney, and by that name shall be able and capable in law, to sue and be sued, grant and receive real estate, and to do all other acts as effectually, to all intents and purposes, as he could have done by his former name, if no change had been made therein.

WILLIAM F. PACKER,  
*Speaker of the House of Representatives.*

WM. WILLIAMSON,  
*Speaker of the Senate.*

APPROVED—The twenty-fourth day of March, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

No. 204.

## AN ACT

To annul the marriage contract between Jacob Stehley and Susannah, his wife, and to legitimate Henry and Jacob Stehley.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the marriage contract entered into between Jacob Stehley and Susannah, his wife, be and the same is hereby annulled and made void, and the parties released and discharged from the said contract, and from all duties and obligations arising therefrom, as fully and effectually as if they had never been joined in marriage.

SECTION 2. That Henry Stehley and Jacob Stehley, sons of the aforesaid Jacob Stehley, shall have and enjoy all the rights and privileges of children born in lawful wedlock, and shall be able and capable in law to inherit and transmit any estate whatsoever, as fully and com- Children legiti-  
mated

pletely, to all intents and purposes, as if they had been born in lawful wedlock.

WILLIAM F. PACKER,  
*Speaker of the House of Representatives.*

WM. WILLIAMSON,  
*Speaker of the Senate.*

APPROVED—The twenty-fourth day of March, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

No. 205.

## AN ACT

Relating to laying out certain streets, and erecting market houses, in the borough of Norristown.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the duty, power and authority vested in the commissioners, appointed by the fourth section of the act passed April seventh, one thousand eight hundred and forty-five, entitled “An Act relating to views of roads and damages, in the counties of Monroe and Montgomery, and for other purposes,” approved the seventh day of April, one thousand eight hundred and forty-five, be and they are extended under the provisions of the existing laws; and that said commissioners, or any three of them, are authorized to lay out a certain street in the borough of Norristown, commencing on Airy street, near the German Reformed church, through lands of Rebecca Maris, to Penn street, at a point opposite the land of Samuel Jamison; which street, when laid out, shall be called Market street, or Market square, and shall not be less than one hundred and twenty feet, nor more than one hundred and fifty feet wide; and the town council of the borough of Norristown, shall and may occupy, and permit to be occupied and used, not less than thirty feet, nor more than sixty feet of said street for a market place, and at any time erect a market house, or market houses, upon the same, and to extend said market houses until said market place be entirely built up; and they are further hereby authorized to rent the stalls in such market house, or market houses, keep the same in repair, and pass all such ordinances as may be necessary for the well regulating of such market: *Provided*, That one half of the damage assessed by the proper viewers, be paid by the borough of Norristown, and the other half to be paid in the same manner as if said street had been laid out by order of the court of quarter sessions: *Provided further*, That nothing herein contained shall be construed to prevent the town council from opening said street, after the second court from the confirmation of the commissioners’ report; and the town council of the borough aforesaid, is hereby authorized to open said street, or cause the same to be opened.

Commissioners to lay out a street in the borough of Norristown.

To be called Market street.

Erect market houses.

Proviso.

SECTION 2. That the report of the commissioners, appointed by the fourth section of the act, entitled "An Act relating to views of roads and damages, in the counties of Monroe and Montgomery, and for other purposes," approved the seventh day of April, one thousand eight hundred and forty-five, and accompanying draft or plot widening the state road, in Norriton township, at the north-east end of Sweed street, in the borough of Norristown, in a north-east direction from the borough line, and also widening the public road in said township, leading from the north-west end of Beach street, at the borough line, across Stony creek, in a northerly direction, shall have the same force and effect as if the said commissioners had been authorized to widen said roads, in said township; and upon the confirmation of the report of the said commissioners, the supervisors of the roads of said township, shall be and they are hereby authorized and required to open, widen and grade the said state road, and public road above mentioned, agreeably to the draft returned by the said commissioners, so that the said state road shall be of the same width as Sweede street, and in the same course at the north-east end thereof; and said public road shall be of the same width as Beach street, and on the same course at the north-west end thereof, according to and as shown by the plot or draft of said streets respectively, attached to the report of said commissioners.

Report of commissioners, widening a state road in Norristown township, and Sweed street in Norristown, confirmed.

Supervisors.

SECTION 3. That the proviso contained in the first section of the act, entitled "An Act to authorize the trustees of the Norristown academy, and the directors of common schools, in the borough of Norristown, to sell certain real estate, and appropriate the proceeds for school purposes," approved March eighteenth, one thousand eight hundred and forty-eight, be and the same is hereby repealed.

Proviso, relative to sale of estate of Norristown academy, repealed.

WILLIAM F. PACKER,

*Speaker of the House of Representatives.*

WM. WILLIAMSON,

*Speaker of the Senate.*

APPROVED—The twenty-fourth day of March, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

No. 206.

## AN ACT

To annul the marriage contract between Edwin W. Wiltbank and Elizabeth M. Wiltbank, his wife.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the marriage contract entered into between Edwin W. Wiltbank and Elizabeth M. Wiltbank, his wife, be and the same is hereby annulled and made void, and the parties released and discharged from all duties,

liabilities and obligations arising therefrom, as fully, effectually and absolutely, as if they had never been joined in marriage.

WILLIAM F. PACKER,  
*Speaker of the House of Representatives.*

WM. WILLIAMSON,  
*Speaker of the Senate.*

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I do hereby certify that the bill, entitled "An Act to annul the marriage contract between Edwin W. Wiltbank and Elizabeth M. Wiltbank, his wife, passed on the eighteenth day of February, one thousand eight hundred and forty-eight, which has been disapproved by the governor, and returned with his objections to the Senate, in which it originated, was agreed to by two-thirds of the Senate, on the twenty-second day of March, one thousand eight hundred and forty-eight, and that the foregoing is the act so agreed to by the Senate.

WM. WILLIAMSON,  
*Speaker of the Senate.*

ATTEST:—SAML. W. PEARSON,  
*Clerk of the Senate.*

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I do certify that the bill, entitled "An Act to annul the marriage contract between Edwin W. Wiltbank and Elizabeth M. Wiltbank, his wife," passed on the third day of March, one thousand eight hundred and forty-eight, which has been disapproved by the governor, and returned with his objections to the Senate, in which it originated, was passed by two-thirds of the House of Representatives, agreeably to the constitution, on the twenty-third day of March, one thousand eight hundred and forty-eight, and that the foregoing is the act so approved by the House of Representatives.

WILLIAM F. PACKER,  
*Speaker of the House of Representatives.*

ATTEST:—WILLIAM JACK,  
*Clerk of the House of Representatives.*

No. 207.

## AN ACT

To authorize James Denton and O. N. Salsbury, of the village of Summit Hill, in the county of Carbon, and the burgess and town council of the borough of Tamaqua, in the county of Schuylkill, to provide lock-up houses.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That James Denton and O. N. Salsbury, of the village of Summit Hill, in county of Carbon, be and they are hereby authorized and empowered to build, or otherwise provide in said village of Summit Hill, and county aforesaid, at the expense of the citizens of said Summit Hill, a suitable house or place, to be used as a place of security, for temporary detention of persons committed by a justice of the peace, on a criminal charge as breach of the public peace, for which such person or persons could be lawfully committed to the county prison, there to remain and be kept until such person or persons can be conveniently conveyed to the county prison, or until discharged according to law: *Provided,* That no person shall be confined in said house or place, at any one time, for a longer period than twenty-four hours, except such person be charged with an indictable offence, and it be necessary to detain him or her for examination. To provide lock-up house.

SECTION 2. That the expense of committing and keeping any person in said house or place, on a charge of any indictable offence, shall be paid by the said county of Carbon, on the presentation of proper accounts of the same to the commissioners of said county. Expenses, how paid.

SECTION 3. That the burgess and town council of the borough of Tamaqua, and county of Schuylkill, be and they are hereby authorized and empowered to furnish materials and build, or otherwise provide and support in the said borough, at the expense of said borough, a suitable house, for the security and temporary detention of persons committed by justices of the peace of said borough and vicinity, or by the burgess of said borough, or member of the town council acting in his place, for any violations of the laws of this commonwealth, or of the ordinances of said borough, for which such person or persons could lawfully be committed, and pay into the treasury of said borough, in addition to a confinement of not more than twenty-four hours, a fine of from twenty-five cents to one dollar, as the case may be. Authorities of the borough of Tamaqua to provide a lock-up house.

SECTION 4. That the expenses of committing and keeping any person or persons in said house, on a charge of any indictable offence, shall be paid by the said county of Schuylkill, on the presentation of proper accounts of the same to the commissioners of said county, signed by the burgess, or a justice of the peace. Expenses, how to be paid.

SECTION 5. That from and after the passage of this act, it shall be lawful for the town council of said borough of Tamaqua, to assess a borough tax upon each dog, fifty cents, and upon every additional dog, Power to assess tax on dogs.

## LAWS OF PENNSYLVANIA,

two dollars, when kept by the same person, and upon sluts, three dollars.

WILLIAM F. PACKER,  
*Speaker of the House of Representatives.*

WM. WILLIAMSON,  
*Speaker of the Senate.*

APPROVED—The twenty-fifth day of March, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

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No. 208.

## AN ACT

Extending the limits of the borough of Bedford.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That the limits of the borough of Bedford shall be extended so as to embrace the territory embraced within the following boundaries, to wit: beginning at a post the north-west corner of the Presbyterian grave yard; thence south along the line of said grave yard, two hundred and twenty feet; thence west across the road leading from said borough to the Bedford Springs, along the line of the lots of William T. Dougherty and Alexander King, to the north-west corner of the lot of said Alexander King, on the line of said borough, two hundred and twenty feet, south of John street.*

WILLIAM F. PACKER,  
*Speaker of the House of Representatives.*

WM. WILLIAMSON,  
*Speaker of the Senate.*

APPROVED—The twenty-fifth day of March, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

No. 209.

## AN ACT

Extending the provisions of an act to alter the road laws in the township of Lenox,  
in the county of Susquehanna, and for other purposes.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same.* That the first, second, third, fourth, fifth, sixth, seventh and eighth sections of the act, entitled “An Act to alter the road laws in the township of Lenox, in the county of Susquehanna, and for other purposes,” passed the third day of March, one thousand eight hundred and forty-seven, be and the same is hereby extended to the townships of Rush and Her-  
Lenox road laws extended to cer-  
tain other town-  
ships in said  
county.

SECTION 2. That the first section of an act, entitled “An Act relating to the election of path-masters, in the county of Erie, and for other purposes,” approved the eighth day of April, eighteen hundred and forty-six, is hereby declared and explained to provide, that path-masters in the several townships in the county of Erie, should be chosen in all respects as other township officers in the said county were and still are by law chosen; and therefore, that in case any vacancy or vacancies, in the office of path-master should occur, from any cause, in any of the townships of Erie county, by the provisions of the said section it was made and still continues to be the duty of the court of quarter sessions of Erie county, upon application made to the said court, to fill such vacancy or vacancies by appointment, in manner provided by law for supplying vacancies in other township offices.  
Relative to elec-  
tion of path-mas-  
ters, in Erie  
county.  
Vacancies, how  
supplied.

WILLIAM F. PACKER,  
*Speaker of the House of Representatives.*

WM. WILLIAMSON,  
*Speaker of the Senate.*

APPROVED—The twenty-fifth day of March, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

No. 210.

## AN ACT

To provide for the repairs of the meadow banks upon the Delaware front, in the county of Philadelphia, above the city of Philadelphia, and extending the limits of Richmond district.

**SECTION 1.** *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* it shall be the duty of the commissioners of the district of Richmond, within the present or any future limits of said district, or of the supervisor or supervisors of roads in such portion or portions of said county, containing such banks as shall be unincorporated, or in case any portion now unincorporated, shall hereafter be incorporated, then of the commissioners of such portions of said county as shall be hereafter incorporated, or of any person or officer duly authorized by them, or any of them, for such purposes, upon complaint made to him or them, by any person or persons owning property fronting upon such river, or liable to be damaged by the overflow of the same, that said banks, or any part thereof, are out of repair, or in a ruinous, unsafe and insecure condition, to give notice forthwith, to the owner or owners of such part or portion, to repair the same within forty-eight hours after such notice; which said notice shall be given to the owner, or reputed owner thereof, or if such owner is unknown, or cannot be found, then by posting the same on a conspicuous part of such bank so out of repair and insecure; and in case such owner or owners shall neglect or refuse to cause such repairs to be made, within the time aforesaid, or the same shall be defectively or insecurely done, it shall be the duty of such supervisor or supervisors, or commissioners, to cause the said banks to be well and thoroughly repaired, and rendered safe and secure; for which purpose they shall have full right and authority to enter into and upon such banks, and the premises thereto adjacent, and after said repairs are so done, they shall enter the same as a lien against the said premises, and the owners or reputed owners thereof, which said lien shall have the priority over all other liens, charges, taxes and incumbrances whatever: *Provided always,* That such lien shall be filed within six months after the date of such repairs, in the name of such supervisor or supervisors, or in the corporate name of such district or township, as the case may be; and the same shall be recovered by an action of scire facias, in manner and form as district liens in said county are now recoverable: *And provided further,* That upon the trial of such action, the said defendant shall only be permitted to aver and prove in defence, that the said lien, in whole or in part, has been paid since the same was filed, and that all matters necessary for a recovery, on the part of the plaintiffs, shall be considered as proved by the production of the lien and scire facias thereon, at the time of trial.

Authorities of Richmond district give notice of the insecure condition of banks.

Repairs to be made.

Lien.

Proviso.

Proviso.

In default of proper officers, the duty imposed on other officers.

**SECTION 2.** In case there should be no supervisor or supervisors, or commissioners, in office in any part of said county containing such banks, the duties required by this act shall be performed by the town clerk, or in default thereof, by any justice of the peace of any township containing such banks requiring repairs, or of any township adjacent



thereto; and in case said duties shall be performed by such town clerk, or justice of the peace, the lien shall be entered in the name of such town clerk or justice.

SECTION 3. That so much of the township of the unincorporated Northern Liberties, as is contained within the boundaries, beginning at the river Delaware, and the northwardly side of Westmoreland street; thence along the said river to the northwardly side of Tioga street; (as the said Westmoreland and Tioga streets have been laid out in the survey of the second and third sections of the township of Northern Liberties, and duly confirmed by the court of quarter sessions of the county of Philadelphia;) thence along the northwardly side of the said Tioga street, to the eastwardly side of the Point road; thence along the same, to the northwardly side of the said Westmoreland street; thence along the said Westmoreland street, to the place of beginning, shall be added to and become included in the corporation of the "commissioners and inhabitants of Richmond, in the county of Philadelphia;" and from henceforth shall be entitled to all the privileges and immunities contained in the said act of incorporation, and of any supplement thereto.

Boundaries of  
Richmond dis-  
trict extended.

WILLIAM F. PACKER,  
*Speaker of the House of Representatives.*

WM. WILLIAMSON,  
*Speaker of the Senate.*

APPROVED—The twenty-fifth day of March, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

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No. 211.

## AN ACT

To prevent fishing with seines and nets in the French Creek feeder of the Pennsylvania canal.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That from and after the passage of this act, it shall not be lawful for any person or persons to fish in the French Creek feeder of the Pennsylvania canal, with seines or nets, by whatever name the same may be called, or in any other way that will prevent the fish from running or passing, or re-passing, up and down the said French Creek feeder, and from passing and re-passing from the said feeder into and out of the Conneaut reservoir.

Fishing prevent-  
ed in French  
Creek feeder.

SECTION 2. Any person or persons offending against this act, shall be subject to a fine not exceeding five dollars for the first offence, and ten dollars for every succeeding offence, to be recoverable before any justice of the peace, as debts of like amount are now by law recoverable, with costs of suit; one half of said fine shall be paid to the informer,

Penalty.

## LAWS OF PENNSYLVANIA,

the other half to the overseers of the poor of the township in which the conviction takes place.

WILLIAM F. PACKER,  
*Speaker of the House of Representatives.*

WM. WILLIAMSON,  
*Speaker of the Senate.*

APPROVED—The twenty-fifth day of March, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

No. 212.

## A N A C T

Requiring the supervisors of Elk and Lancaster counties to give bail.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* the supervisors in the several townships in the counties of Elk and Lancaster, shall hereafter be required to give bail to their respective townships, in a sum double the probable amount any supervisor may hold in his hands of the public money, conditioned for the faithful performance of his duties as supervisor, to be approved by the court of common pleas of said counties. Bonds given in pursuance of this act, shall be filed in the office of the prothonotary in said counties, and shall be deemed matters of record, and certified copies of the same may be read in evidence, in all cases where the originals would be competent testimony, and suits may be commenced on said bonds, in the name of the township, for the recovery of any defalcation, before any tribunal having jurisdiction in like amounts: *Provided, That* jurisdiction shall attach, according to the amount of the alledged defalcation, without reference to the penalty in the bond.

WILLIAM F. PACKER,  
*Speaker of the House of Representatives.*

WM. WILLIAMSON,  
*Speaker of the Senate.*

APPROVED—The twenty-fifth day of March, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

No. 213.

## AN ACT

Authorizing the governor to incorporate the Philadelphia and West Chester turnpike road company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That Adam C. Eckfeldt, Abraham L. Pennock, William Rhoads, David Lyons, Garrett Williamson, Joseph B. Leedom, William H. Wilson, Reece W. Flowers, John Sellers, Doctor George Smith, William V. Black, George P. Snyder, John Kirk, Nathan Lukins, Thomas Steel, Jacob R. Eckfeldt, George P. Dickinson, Joseph Esray, Edward Garrett, Samuel Leedom, David S. Bunting, Jackson Lyons, Abraham Powell, John Hawkins, John H. Speakman, of Delaware county, and Isaac Hesten, Jesse George, Frederick Sorber, Joseph L. Hancock, John Miller, David George, William Worrell, Daniel Rhoads, John M. George, Richard S. Butterfield, Jacob Hoffman, Nathan Suplerree, Thomas J. Watson, Anthony W. Olwine, Joseph Oat, G. W. Colladay, of Philadelphia county, be and they are hereby appointed commissioners to do and perform the duties herein mentioned, that is to say : They shall, on or before the first Monday of May next, procure a book or books, and therein enter as follows : “We whose names are here-  
unto subscribed, do promise to pay to the president and managers of the Philadelphia and West Chester turnpike road company, the sum of twenty-five dollars for every share of stock set opposite to our respective names, in such manner and proportions, and at such times and places as shall be determined on by the said president and managers, in pursuance of an act, entitled ‘An Act authorizing the governor to incorporate the Philadelphia and West Chester turnpike road company.’  
Witness our hands the                      day of                      , Anno Domini one thousand eight hundred and forty                      ;” and shall give at least twenty days’ notice, in two newspapers published in Philadelphia and one in Delaware county, of the time and place, when and where the said books shall be opened to receive subscriptions to the stock of the said company, at which time and place, one or more of the said commissioners shall attend and receive subscriptions from all persons of lawful age, who in person or by attorney shall offer to subscribe in said books, which shall be kept open for the purpose aforesaid, at least six hours in each juridical day, for the space of three days, or until the books shall have therein subscribed twelve hundred shares ; and if at the expiration of the said three days, the books aforesaid, or either of them, shall not have the respective number of shares aforesaid therein subscribed, the said commissioners, or a majority of them, may adjourn from time to time, and transfer the said books from place to place, until the whole number of shares shall be subscribed, of which adjournment and transfer the said commissioners shall give such notice as they may deem necessary ; and when the whole number of shares subscribed shall amount to twelve hundred, the said books shall be closed : *Provided always,* That every person offering to subscribe in the said books, in his own name, or in the name of any other person,

Commissioners.

Form of subscription.

Books.

Number of shares

Proviso.

shall previously pay to the attending commissioners, five dollars for every share to be subscribed, out of which shall be paid the expense attending the taking such subscriptions, and other incidental charges, and the remainder shall be paid over to the treasurer of the corporation, as soon as the same shall be organized, and the officers chosen as hereinafter provided.

SECTION 2. That when twenty or more persons shall have subscribed four hundred shares or more of the said stock, the said commissioners, or a majority of them, shall certify under their hands and seals, the names of the subscribers, and the number of shares subscribed by each, to the governor; and thereupon it shall and may be lawful for the governor, by letters patent, under his hand and the seal of the state, to create and erect the subscribers, and those who may afterwards subscribe, into one body politic and corporate, in deed and in law, by the name, style and title of "the Philadelphia and West Chester turnpike road company;" and by the said name the said subscribers and their assignees shall have perpetual succession, and all the privileges and franchises incident to a corporation, and shall be capable of taking and holding their capital stock, and the increase and profits thereof, and of enlarging the same, from time to time, by new subscriptions, in such manner and form as they may think proper, if such enlargement shall be found necessary to fulfil the intent of this act, and of purchasing, taking and holding to them and their successors and assigns, and of selling, transferring, conveying in fee simple, or for any lesser estate, all such lands, tenements, hereditaments and estate, real and personal, as shall be necessary to them in the prosecution of their work, and of suing and being sued, and of doing every other matter or thing which a corporation or body politic may lawfully do.

SECTION 3. That the subscribers, as soon as conveniently may be after the said letters patent shall be sealed and obtained, shall give notice in one or more newspapers printed in the city of Philadelphia, and one in Delaware county, of the time and place by them appointed, not less than twenty days from the publication of the first notice, at which time and place the said subscribers shall proceed to organize the said corporation, and shall choose by a majority of votes of the said subscribers, by ballot, to be delivered in person or by proxy, duly authorized, one president, twelve managers and one treasurer, all of whom shall be stockholders, and such other officers as they shall deem necessary to conduct the business of the said company for one year, and until such other officers shall be chosen, who shall and may make such by-laws, rules, orders and regulations, not inconsistent with the constitution and laws of the United States, or of this state, as shall be necessary for the well ordering the affairs of the said company; they may make and have one common seal, and the same may alter or renew at their pleasure; and in case of the death, removal or resignation of the president, or any manager or other officer of the company, the board of managers may and shall choose another to fill the vacancy, until the next annual election of said company: *Provided always*, That each stockholder shall be entitled to one vote for every share of stock by him or her held, not exceeding ten shares, and one vote for every ten shares above ten: *Provided also*, That no stockholder, whether original subscriber or assignee, shall be entitled to vote at any election or meeting of said company, unless the instalments due and payable on the shares by him or her held, at the time of such election or meeting, shall have been fully paid and discharged.

SECTION 4. That if any treasurer, elected by virtue of this act, shall die, resign or refuse to act, or neglect to give such security for the faith-

Governor to grant letters patent.

Style.

Privileges.

Organization.

Officers.

By-laws.

Seal.

Proviso.

Votes.

Proviso.

Treasurer.

ful discharge of the duties of his office as the board of managers may direct and require, or having given the security required, shall neglect or refuse to take upon him and perform all the duties of said office, it shall be the duty of the managers, for the time being, to appoint some suitable person treasurer in his place, who shall hold the office until the next annual election, on his giving the requisite security, and until a successor shall be duly elected and give the security required.

SECTION 5. The stockholders of the company shall meet on the first Monday in January of every year, at such place as shall be fixed by the by-laws, for the purpose of choosing officers for the ensuing year, in the manner aforesaid, and at such other times as they shall be notified by the managers, in such manner as shall be prescribed by the by-laws, at which annual and special meetings they shall have full power and authority to make, alter or repeal such by-laws, rules, orders and regulations as may be necessary for managing the affairs of the company, and to do and perform any other corporate act. Annual meeting.  
Powers.

SECTION 6. The president and managers shall procure certificates, to be written or printed, and upon the payment of the instalments due thereon, shall deliver one certificate, signed by the president and countersigned by the treasurer, and attested by the seal of the corporation, to each stockholder, for the number of shares held by him or her; which certificate shall be transferable at his or her or their pleasure, in person, or by attorney duly authorized, in the presence of the president or treasurer, on the book or books of the company, subject however to the payment of all instalments due and to become due thereon; and such transferee thenceforth shall be a member of the corporation. Certificates of stock.  
Transferable.

SECTION 7. That the said president and managers shall meet at such times and places as shall be ordained by their by-laws, and when met five members shall form a quorum, and who, in the absence of the president, shall choose a president pro tem., and shall keep minutes of all their transactions fairly entered in a book; and a quorum being formed, they shall have full power and authority to make contracts, appoint surveyors, superintendents, artists and officers, as they may judge necessary to carry on the intended work, and to fix their salaries and wages, to ascertain the times when and in what manner and proportion the said stockholders shall pay the moneys due on their respective shares, to draw on the treasurer for all moneys as shall have been so as aforesaid deposited, necessary to pay the salaries or wages of persons by them employed, and for materials: *Provided*, That all such drafts shall be signed by the president, or in his absence by a majority of the quorum so met, and attested by their secretary, and to do and transact all other acts, matters or things, as by this act and the by-laws, orders, rules and regulations of the said company, shall be entrusted to them. Quorum.  
Duties of board.  
Proviso.

SECTION 8. It shall be lawful for the said president and managers, by their agents, engineers and workmen, with their tools and instruments, carts, wagons and other carriages and beasts of draught or burden, to enter in and upon the lands contiguous and near to which the said road shall be made, first giving notice of their intention to the occupiers or owners thereof, and doing as little damage thereto as possible, and making amends for damages upon an equitable agreement by the parties; or if they cannot agree, then a just assessment to be made, upon oath or affirmation, by three disinterested citizens, or any two of them, to be mutually chosen, or if either party, upon due notice, shall neglect or refuse to join in the choice, then to be chosen by a justice of the peace who shall not be interested therein, and upon the tender of the assessed value, to dig and carry away any timber, stone, gravel, sand, earth or other materials necessary or suitable for making the road, Enter in and upon lands.  
Damages to be assessed.

- Proviso.** *Provided*, That no part of this act shall authorize the taking of any property by said company, unless the same be previously paid for, or adequate and satisfactory security given to the owners for the payment thereof: *And provided also*, That the said managers, or their workmen under their supervision, shall have full power to enter upon any lands lying near to or adjoining said road, to cut or open such drains through the same as they shall deem requisite to drain the water from the turnpike road, with the same rights and under the same penalties as the supervisors of highways.
- Location.** **Proviso.** SECTION 9. The said road shall be made in, over and upon the bed of the West Chester road, beginning at a point in said road where the western boundary line of the borough of West Philadelphia crosses the same, and following the line of said road to and terminating at the eleven mile stone, or Beaumont's tavern, on said road: *Provided always*, That no surveyor, superintendent, artist or other person or persons employed by said company to construct the said road, shall enter upon or go through any land belonging to any person or persons, without first obtaining permission of the owner thereof, excepting it may be necessary for the widening said road to the full width of sixty feet: *And provided also*, That the buildings erected near the present line of said road, shall not be injured by the widening of the same.
- Proviso.** SECTION 10. The president, managers and company shall cause at least twenty feet in width of said road to be made an artificial road, bedded with wood, stone or gravel, or any other hard substance well compacted together, and of sufficient depth to secure a solid foundation to the same; and the said road shall be faced with gravel, or stone pounded, or other small hard substance, in such manner as to secure a firm, and as near as the materials will admit of an even surface, and so nearly level in its progress as that it shall in no place rise or fall more than will form an angle of five degrees with a horizontal line, and shall forever after maintain and keep the same in good and perfect order from the eastern termination thereof, westward so far as the number of shares subscribed will enable the company to finish the same; and the said president, managers and company shall have power to erect permanent bridges over all the waters crossing the said road, and to build culverts or drains when the same may be necessary, and to use any bridge or bridges now constructed over any stream crossed by said road: *Provided*, That if said road be faced with stone, the stones shall none of them be larger in size than will pass through a circular ring of two inches diameter.
- Width.** **Materials.** **Construction.** **Proviso.** SECTION 11. As soon as the company shall have perfected said road from the eastern termination to the distance of two miles, and so from time to time, when any distance not less than two miles shall be completed, they shall give notice thereof to the court of quarter sessions of the city and county of Philadelphia, who shall thereupon forthwith nominate and appoint three skillful, judicious and disinterested persons to view and examine the same, and report in writing to the president judge of said county, whether the said road is so far executed in a competent and workmanlike manner, according to the true intent and meaning of this act; and if their report shall in either case be in the affirmative, then the said president judge shall by license under his hand and the seal of the court, permit and suffer the said president, managers and company to erect such and so many gates or turnpikes upon and across said road, as will be necessary and sufficient to collect the toll and duties, hereinafter granted to the said company, from all persons traveling on the same with horses, carts, wagons and other carriages; and it shall be lawful for the said company to erect within the limits of
- Court of quarter sessions of Philadelphia county to appoint viewers.**
- License to take toll.**

their road, at each of their gates or turnpikes, a toll house or dwelling house for the use and accommodation of the toll collector at such gate: *Provided*, That no toll shall be demanded from any person or persons passing or re-passing from one part of his, her or their farm or farms to any other part of the same; and all persons with their horses and vehicles, going directly to or from funerals or places of worship, and all cattle, sheep and swine shall all be exempt from the payment of tolls when traveling the said road.

Proviso.

Exemption.

SECTION 12 That when the said road, or any part thereof, is completed from time to time, and approved as aforesaid, it shall and may be lawful for the company to appoint such and so many toll-gatherers as they shall think proper, to collect and receive of and from all and every person and persons using said road, the tolls and duties hereinafter mentioned, and to stop any person riding, leading or driving any horse or horses, coach, coaches, sulkey, chair, chaise, cart, wagon, train, sleigh, sled or any other carriage of burden or pleasure, from passing the said turnpikes or gates until they shall have paid the said tolls; that is to say, for every mile in length of said road, completed and licensed as aforesaid, the following sums of money, and so in proportion for any greater or lesser distance, to wit: for every horse and his rider, or led horse, one cent; for every sulkey, chair, chaise, coach, coachee, cart, wagon, train, sleigh, sled or any carriage of pleasure or burden under whatever name it may go, one cent per mile for each horse drawing the same; for every cart, wagon or stage coach whose wheels shall not measure four inches in width, and drawn by three or more horses, one and a-half cent per mile for each horse drawing the same; all such carriages drawn in part or the whole by oxen, two oxen shall be estimated as equal to one horse in charging all the aforesaid tolls, and every mule as equal to one horse; and for all fractional parts of toll, not equal in value to any denomination of coin in circulation, the said company may take and receive the next highest circulating denomination; and if any person or persons shall represent to said company, or any of their officers, that he, she or they have traveled a less distance than he, she or they have actually traveled along the said road, with intent to defraud said company of its tolls, or any part thereof, such person or persons shall, for every such offence, forfeit and pay to the use of the said company, the sum of five dollars; and if any toll-gatherer shall knowingly demand and receive toll for a greater distance than the person, of whom such toll is demanded, shall have traveled along said turnpike road, or shall demand and receive greater toll from any person or persons than such toll-gatherer is authorized to demand and receive by virtue of this act, such toll-gatherer shall forfeit and pay the sum of ten dollars for every such offence, to the use of the poor of the township in which the forfeiture is incurred, and for the payment of which the said company shall be responsible.

Toll-gatherers.

Tolls.

Frauds punished.

SECTION 13. That if the said company shall neglect to keep the said road in good order and repair, for the space of thirty days, and information thereof shall be given to any justice of the peace of the neighborhood, within the county where the repair ought to be made, such justice shall issue his precept, to be directed to any constable, commanding him to summon three disinterested freeholders, to meet at a certain time in said precept to be mentioned, at the place in said county which shall be complained of, of which meeting notice shall be given to the keeper of the gate or turnpike nearest thereto, within the said county; and said justice shall, at such time and place, on the oaths or affirmations of the said freeholders, inquire whether said road, or any part thereof, is in such good and perfect order and repair as aforesaid, and

Proceedings in case the road is neglected to be kept in good order and repair.

shall cause an inquisition to be made, under the hands of himself and a majority of said freeholders; and if the said road shall be found by the said inquisition to be out of order and repair, contrary to the true intent and meaning of this act, the said justice shall certify and send one copy of said inquisition to each of the keepers of the turnpikes or gates, between which such defective place shall be, and from thenceforth the tolls hereby granted to be collected at such turnpikes or gates, shall cease to be demanded, paid or collected, until the said defective part or parts of said road shall be put in good and perfect order and repair as aforesaid

**Fraudulent practices punished.**

**SECTION 14.** That any person or persons whosoever, owning, riding in or driving any sulkey, chair or chaise, phaeton, cart, wagon, wain, sleigh, sled or other carriage of burden or pleasure, riding or leading any horse, mule, mare or gelding, shall therewith pass through any private gates or bars, or along or over any private lane, passage way, or other ground or road, near to or adjoining any turnpike or gate erected, or which shall be erected in pursuance of this act, with an intent to defraud the company and avoid the payment of the toll or duty for passing through any such gate or turnpike; or if any person or person shall take off, or cause to be taken off, any horse, mule, mare or gelding or other cattle, from any sulkey, chair, phaeton, cart, wagon, sleigh, sled or other carriage of burden or pleasure, or practice any other fraudulent means or device, with the intent that the payment of any such toll or duty may be evaded or lessened, all and every person or persons, in all or every or any of the ways or manners aforesaid offending, shall, for every such offence, respectively forfeit and pay to the president and managers of the aforesaid turnpike road company, any sum not exceeding twenty dollars, to be sued for and recovered with costs of suit, before any justice of the peace, in like manner and subject to the same rules and regulations as debts of a similar amount are by law sued for and recovered: *Provided*, That if any person shall be prosecuted under this section of this act, and the said prosecution shall not be sustained on the part of the prosecutors, then and in that case the person or persons prosecuted as aforesaid, shall receive from the company the sum of ten dollars, in lieu of damages arising from delay and vexatious prosecution, recoverable as other fines under this act.

**Proviso.**

**Injuries to fixtures, punished.**

**SECTION 15.** That if any person or persons shall wilfully injure, deface or destroy any gates, posts, buildings or other fixtures of the company, or shall, without permission from the acting superintendent, throw out upon the road, or within the limits thereof, any wood, stone, dirt or rubbish of any kind, and shall suffer the same to remain for the space of one day, after notice thereof shall have been given to the person or persons so offending, shall for each and every such offence, on conviction thereof, by the evidence of one or more creditable witnesses, before any justice of the peace of the county in which the offence shall have been committed, pay a fine not exceeding five dollars, with costs, to be recovered as debts of like amount are recoverable, for the use of the said company.

**Traveling regulated.**

**SECTION 16.** All drivers and conductors of carts, wagons and carriages of all kinds, using said road, shall, except when passing by a vehicle of slower draft, keep their horses and carriages on the right hand side of the road, in the passing direction, leaving the other side of the road free and clear for other carriages to pass and repass; and if any driver shall offend against this provision, he shall forfeit and pay any sum not exceeding five dollars, to any person who shall be obstructed in his passage, who will sue for the same, to be recovered with costs, in the usual manner; and no driver of a carriage of any kind, shall pass



any other vehicle, going in the same direction, at a faster gait than a trot, at a rate not exceeding eight miles per hour, under a penalty of twenty dollars for each offence, recoverable before any justice of the peace, one half to the use of the said company, and the other half to the use of the informant.

SECTION 17. No suit or action shall be brought or prosecuted for any penalty incurred under this act, unless such suit shall be commenced within three months after the offence shall have been committed; and the defendant in such suit may plead the general issue, and give this act and the special matter in evidence, and that the same was done in pursuance and by authority of this act. Suits.

SECTION 18. That if any stockholder, whether original subscriber or assignee, after twenty days' notice in two newspapers, published in the city of Philadelphia, and one in Delaware county, of the time and place appointed for the payment of any proportion or instalment of the said capital stock, shall neglect to pay such proportion at the time and place appointed, and for the space of thirty days after the time appointed for the payment thereof, every such stockholder shall, in addition to the instalment so called for, pay at the rate of five per centum per month, for every delay of such payment after the expiration of the said thirty days; and if the same and the additional penalty shall remain unpaid, for such space of time as that the accumulated penalty shall become equal to the sums before paid, in part and on account of such share, the same shall be forfeited by and to the said company, and may be sold by them to any person or persons willing to purchase for such price as can be obtained therefor, or in default of payment by any stockholder or his assignee, of said instalments as aforesaid, for the space of thirty days, the president and managers may, at their election, cause suit to be brought in the same manner as debts of a like amount are now recoverable for recovery of the same, together with the penalty aforesaid: *Provided*, That the serving of personal notice on the stockholders shall always supercede the necessity of publishing the same in the newspapers. Penalty for neglect to pay instalments.

SECTION 19. That the president and managers of said company shall keep fair and just accounts of all moneys received by them, and of those paid out and expended in the prosecution of the work, and shall at least once in every year submit their books and accounts to a general meeting of the stockholders; and whenever it shall be ascertained that the capital stock of the company is not sufficient to complete said road, according to the true intent and meaning of this act, it shall be lawful for the president and managers, at a stated or special meeting convened according to the provisions of this act or their by laws, to increase the number of shares to such an extent as they shall deem sufficient to accomplish the work, and to demand and receive the moneys subscribed for such additional shares, in like manner and under like penalties as are provided by this act in the case of original subscriptions. Accounts.

SECTION 20. The president, managers and company shall also keep a just and true account of all and every of the moneys received by their several and respective collectors of tolls, at the several and respective gates or turnpikes on said road, from the beginning to the end thereof, and shall proceed to examine and ascertain the income of the company, and after deducting all contingent costs and charges incurred by the same, shall, out of the net profits, if any there be, declare a dividend to and among the stockholders, and shall, on the first Mondays in January and July of every year, publish the half yearly dividends, made of the clear profits, among the stockholders, and of the time and place, when and where the same will be paid, and shall cause the same to be paid Accounts.

Proviso.

accordingly: *Provided*, That if it shall be ascertained that the profits of the company will not produce a dividend on the capital stock of six per centum per annum, then it shall be lawful for the president and managers to add to the tolls herein authorized by this act, so as to produce that per centage; and if the tolls shall at any time produce a net income exceeding ten per centum per annum, then the tolls shall be reduced so that the net income shall not exceed that amount.

Road vested in company.

SECTION 21. That so soon as the company shall commence operations on said road, the first two miles, from the eastern termination thereof, shall vest in the said company, and the township through which it passes shall be released repairing the same, and the county of Philadelphia from the repair of the bridges; and in like manner the remainder of the road shall be vested in said company from time to time, as they commence operations on each succeeding two miles, and the townships and counties shall be released from repairing the road and bridges thereof.

Power of road commissioners and supervisors.

SECTION 22. The road commissioners, or supervisors of the highways of the townships through which the said turnpike road shall pass, shall, in addition to the powers vested in them by the act of assembly, approved April fifth, Anno Domini one thousand eight hundred and forty-two, authorizing subscriptions to turnpike roads on behalf of townships through which said roads may pass, be authorized and empowered to borrow money to pay the instalments on the stock so subscribed, and to issue certificates for the same, bearing an interest not exceeding six per centum per annum, and payable at any time not exceeding ten years, which certificates shall be binding on the said townships.

Commissioners of Delaware county may subscribe to stock.

SECTION 23. It may be lawful for the county commissioners of the county of Delaware, in view of the advantages which the said county will derive from the said turnpike road, to subscribe for as many shares of stock of the said company as the said commissioners may respectively deem proper for said county; and that any person residing in the aforesaid county, shall have the right of paying his county taxes, for a period of three years, in certificates of stock of the said turnpike road company, and when the tax in any one year does not amount to one share, or exceeds one or more shares, then to pay in certificates of stock of said company any excess over and above the actual tax for the current year; for which excess he shall have credit on the tax book of said county for the ensuing year.

Commencement and completion of road.

SECTION 24. That if the said company shall not proceed to carry on said work within three years from the passage of this act, or shall not within five years thereafter, complete at least five miles of said road, according to the true intent and meaning of this act, then, and in either of those cases, all and singular the rights, liberties, privileges and franchises hereby granted to the company, shall revert to this commonwealth.

Reservation.

SECTION 25. That the legislature reserves the right to alter and regulate the rates of toll fixed by this act, and to alter, revoke or annul the same whenever in their opinion it may be injurious to the citizens of the commonwealth; in such manner, however, that no injustice shall be done to the corporators.

WILLIAM F. PACKER,  
*Speaker of the House of Representatives.*

WM. WILLIAMSON,  
*Speaker of the Senate.*

APPROVED—The twenty-fifth day of March, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

No. 214.

## AN ACT

To incorporate the Dry Ridge and Wills Creek turnpike road company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* John Sill, John Metzgar, Nicholas Kegg, Cornelos Devore, Josiah Miller, Charles Hayman, Jacob Carpenter, Edmund Shell, Samuel S. Stukey, John M'Vicker, of the county of Bedford, are hereby appointed commissioners, and shall, on or before the first Monday of September next, procure one or more books, and enter in each of them as follows : Commissioners.

“ We whose names are hereunto subscribed, do promise to pay to the president and managers of the Dry Ridge and Wills Creek turnpike road company, the sum of twenty-five dollars, for every share of stock set opposite to our respective names, in such manner and proportions, and at such times as shall be determined by the president and managers of said company, in pursuance of an act of the general assembly of this commonwealth, by which said company is incorporated, for the purpose of making an artificial road from the Maryland line, at or near the farm of John M. Buchanan, and thence up the valley of Wills creek, and passing round the east end of the Dry Ridge, at or near the house of Valentine Werts, to the borough of Shellsburg, in the county of Bedford. Witness our hands                      day of                      , in the year of our Lord one thousand eight hundred and                      ;” and shall thereupon give notice, in two or more public newspapers, printed in Bedford and Cumberland, for one calendar month at least, of the time and place, when and where the said books shall be opened to receive sub- Form of subscription.

scription for the stock of the said company ; and some one of the said commissioners shall attend accordingly, and permit all persons of lawful age, who shall offer to subscribe in their own name, or names of any other person or persons, who shall duly authorize the same, for any number of shares in the said stock ; and the said books shall be kept open for the purpose aforesaid, at least six hours in every juridical day, for the space of three days, or until fifty shares be subscribed ; and if after at the expiration of the said three days, fifty shares shall not have been subscribed, the commissioners may adjourn from time to time, and transfer the said books from place to place, until the whole number of shares shall be subscribed, of which adjournments and transfers such public notice shall be given as the occasion may require ; and when the whole number of shares shall amount to two hundred shares, the same shall be closed ; and every person to subscribe in his own name, or names of any other person, shall previously pay to the attending commissioners the sum of one dollar for every share to be subscribed, out of which shall be defrayed the expenses attending the taking of such subscription, and such other incidental charges, and the remainder shall be paid over to the treasurer of the corporation, as soon as the same shall be organized, and the officers chosen as hereinafter mentioned. Open books.

SECTION 2. When ten or more persons shall have subscribed fifty or more shares, and the said commissioners, or a majority of them, shall

**Governor to grant letters patent.** have certified, under their hand and seal to the governor, the names of the subscribers, and the number of shares subscribed by each, it may be lawful for the governor, by letters patent, under his hand and seal of the state, to create and erect the subscribers, and also all those who may afterwards subscribe, into one body politic and corporate, in deed and in law, by the name, style and title of the president, managers and company of the Dry Ridge and Wills Creek turnpike road, and by the said name the subscribers shall have perpetual succession and the privileges and franchises incident to a corporation, and shall be capable of taking and holding their capital stock, and the increase and profits thereof, and of enlarging the same, from time to time, by new subscriptions, in such manner and form as they shall think proper, if such enlargement shall be found necessary to fulfil the intent of this act, and of purchasing, taking and holding to them and their successors and assigns, and of selling, transferring and conveying, in fee simple, such real and personal estates as shall be necessary to them in the prosecution of their work, and of suing and being sued, and of doing all and every other matter and thing which a corporation or body politic may lawfully do.

**Style.**

**Privileges.**

**Organization.**

**Elect officers.**

**Location.**

**Powers, authorities and restrictions.**

**Proviso.**

**Proviso.**

**SECTION 3.** The stockholders, or any two of them, named in the letters patent, shall as soon as conveniently may be after issuing of the same, give notice in two or more of the newspapers published in the county of Bedford, of a time and place by them appointed, not less than twenty days from the time of the first notice, at which time and place the said subscribers, or as many of them as may be then present, shall then proceed to organize the said company, and shall choose by a majority of the said subscribers, by ballot, in person, one president, six managers, one treasurer, and such other officers as may be necessary to conduct the business of said company for one year, and from thence until the next annual election, and until such other officers shall be chosen and organized, agreeably to the provisions of this act; and the said managers so chosen, and their successors, shall and may make such by-laws, rules, orders and regulations, not inconsistent with the constitution and laws of this state or of the United States, as shall be necessary for the well ordering the affairs of the said company; and shall have power to lay out and construct and complete a turnpike road from the Maryland line, at or near the farm of John M. Buchanan, and thence up the valley of Wills creek and passing round the east end of the Dry Ridge, at or near the house of Valentine Werts, to the borough of Shellsburg, in the county of Bedford, and generally to have like powers, authorities and privileges, necessary for carrying on and completing said turnpike road, and be subject to all the duties, qualifications, restrictions, penalties, fine and forfeitures, and be entitled to like tolls and profits, in proportion to the distance finished, as are given and granted to the Bedford and Stoystown turnpike road company, by the several acts of this commonwealth: *Provided*, That if the said company shall not proceed to carry on the said work in three years after the passage of this act, or shall not, within five years afterwards, complete the road according to the true intent and meaning of this act, in either of those cases it shall and may be lawful for the legislature of this commonwealth to resume all and singular the rights, privileges, liberties and franchises, by this act granted to said company: *And provided further*, That nothing contained in this act shall be so construed as to authorize the said company to take private property without making compensation to the owners thereof, or giving adequate security therefor, before such property shall be used.

SECTION 4. The said road shall be laid out, not exceeding forty feet in width, at least sixteen feet whereof to be a good and substantial turnpike road, to be composed of stone and gravel, to secure a firm, and as near as the materials will admit of, an even surface, and in no place to exceed an elevation of five degrees; and the said company shall forever maintain and keep the same in good order, and have authority to erect suitable bridges over all the streams of water crossing said road. Construction.

SECTION 5. That the legislature hereby reserve the right to alter, amend or annul this act, whenever in their opinion it may become necessary for the public good: *Provided*, No injustice shall be done to the corporators. Reservation.

WILLIAM F. PACKER,  
*Speaker of the House of Representatives.*

WM. WILLIAMSON,  
*Speaker of the Senate.*

APPROVED—The twenty-fourth day of March, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

No. 215.

### AN ACT

To authorize the Mine Hill and Schuylkill Haven railroad company to extend their railroad into the Middle coal field.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the Mine Hill and Schuylkill Haven railroad company be and are hereby authorized to extend their road from at or near its present termination in the Mine Hill Gap, in the county of Schuylkill, by such route as they may deem most eligible, to the town of Shamokin, in the county of Northumberland; and the said company are hereby authorized to charge the same rate of toll per mile for the transportation of coal and other articles, and for the carriage of passengers, and to make the same charge for motive power and weighing on the said extension, or any part thereof, when the same may be completed and used, as they are now authorized to charge on their present road, and subject to all the provisions and restrictions to which the said company are now subject and liable by law; and the said company are hereby authorized to increase their capital stock, to an amount not exceeding fifteen thousand shares, in addition to their present capital: *Provided*, That this act shall not go into effect unless said company shall assent thereto, and certify the same to the governor within six months from the passage thereof: *And provided further*, That if after such assent, certified as aforesaid, the said company shall not commence the said extension of their road in one year, and complete the same within four years after

Extend road.  
Toll.  
Increase capital.  
Proviso.  
Proviso.

the passage of this act, then and in that case this act shall be null and void, and these privileges thereby granted revert to the commonwealth.

**To extend road.** **Powers and restrictions.** **Proviso.** SECTION 2. That it shall and may be lawful for the Mine Hill and Schuylkill Haven railroad company, to extend their railroad from the termination of their present line, at Tremont, to the Bear Valley Summit, (the western termination of the Bear Summit and Bear Creek railroad,) possessed of all the rights, privileges and immunities they now enjoy, and subject to all the penalties, restrictions and liabilities of their present charter; and for that purpose the said Mine Hill and Schuylkill Haven railroad company are hereby authorized to increase their capital stock twelve thousand shares: *Provided*, That a majority of the stockholders of the said Mine Hill and Schuylkill Haven railroad company, at a general meeting convened for that purpose, agree to make such extension: *And provided also*, That the said company shall be debarred from any mining or other privileges, except such as are incident to the making and maintaining their roads, and to the transportation of passengers, minerals, timber, merchandize, produce and other commodities thereon.

WILLIAM F. PACKER,  
*Speaker of the House of Representatives.*  
WM. WILLIAMSON,  
*Speaker of the Senate.*

APPROVED—The twenty-seventh day of March, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

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No. 216.

A SUPPLEMENT

To the act, entitled “An Act supplementary to the act, entitled ‘An Act to authorize the governor to incorporate the Milesburg and Smethport turnpike road company,’” and providing for the repair of the Warren and Ridgeway turnpike road.

**Road divided into sections.** SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That hereafter the centre section of said road shall extend to the centre of the town of Caladonia, in the county of Elk, at which point the northern section of said road shall commence; and the said sections are hereby separated and declared independent, and without further connection with each other, as fully and effectually as if they had been independent and separate corporations.

**Karthause bridge placed in care of centre section.** SECTION 2. That the bridge erected over the West Branch of the Susquehanna river, in pursuance of a resolution of the legislature, entitled “A resolution making appropriation to erect a bridge over the West Branch of the Susquehanna, at Karthause,” passed the thirteenth day of June, Anno Domini one thousand eight hundred and forty, be

and the same is hereby placed under the exclusive care and management of the centre division of the said turnpike road company, whose duty it shall be to appoint a toll-gatherer for the said bridge, and all surplus tolls, after paying ordinary expenses and repairs, shall be paid from time to time into the state treasury, as provided for by the said resolution.

SECTION 3. That so much of any act or acts of assembly, or joint resolution of the legislature, as is inconsistent with this act, be and the same is hereby repealed. Repeal.

SECTION 4. That it shall be the duty of the president and managers of the centre section of the road, created by the act to which this is a supplement, to open a book or books, and obtain by private subscription, when they may deem expedient, a new subscription of stock, in order to perfect and complete the said road, not exceeding twenty-five thousand dollars. Officers of centre section to open books for subscription.

SECTION 5. That so much of an act to provide for repair of the Warren and Ridgeway turnpike road, passed the thirteenth of April, one thousand eight hundred and forty-four, as relates to Ridgeway township, be and the same is hereby repealed; and the provisions hereby repealed, be and the same are hereby extended to Spring Creek township, in the county of Elk. Warren and Ridgeway turnpike to be repaired by Spring Creek township, Elk county.

WILLIAM F. PACKER,  
*Speaker of the House of Representatives.*

WM. WILLIAMSON,  
*Speaker of the Senate.*

APPROVED—The twenty-seventh day of March, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

No. 217.

## AN ACT

Relating to interpleading in Berks and Schuylkill counties.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same.* That any action which may hereafter be brought in the courts of common pleas of Berks or Schuylkill counties, for the recovery of money, or of any goods or chattels, or the value thereof in damages, which may have lawfully come into the hands or possession of the defendant, it shall be lawful for the defendant, at any time after declaration filed and before plea pleaded by a suggestion to be filed of record, to disclaim all interest in the subject matter of such action, and offer to bring the same into court, or to pay or dispose thereof, as the court shall order: and if he shall also alledge, under oath or affirmation, that the right thereto is claimed by or supposed to belong to some person not party

to the action, (naming him, her or them,) who has sued, or is expected to sue for the same, or shall show some probable matter to lead the court to believe that such suggestion is true, the said court may thereupon order the plaintiff to interplead with such third person, and make such rules and orders in the cause, and issue such process for the purpose of making such third person a party to the action, and for carrying such proceeding to interplead into full and complete effect, and may render such judgment or judgments thereon as shall be in accordance with the law in like cases.

Service of process.

SECTION 2. If the process issued upon an order to interplead as aforesaid, shall not be actually served, or personal notice thereof shall not be given to such third person, the said court shall have power, upon giving judgment for the plaintiff, to require him to enter into a recognizance, and if they should think it necessary, with sufficient surety to interplead with such third person, if afterwards, and before the expiration of the time which would be allowed to him to prosecute his claims against the defendant, such third person should appear in said court and claim such money, or goods or chattels, or the value thereof.

WILLIAM F. PACKER,

*Speaker of the House of Representatives.*

WM. WILLIAMSON,

*Speaker of the Senate.*

APPROVED—The twenty-seventh day of March, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

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## No. 218.

### A SUPPLEMENT

To an act passed January thirteenth, one thousand eight hundred and thirty-two, entitled "An Act for erecting Christ church and Saint Peter's church, in the city of Philadelphia, into separate corporations," and in relation to St. Paul's church, in Kittanning, Armstrong county, and to change the name of the Presbyterian congregation of the Three Ridges, in Washington county.

Election of managers.

Vacancies supplied.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That from and after the passage of this act, the managers of Christ church hospital shall always be chosen from the members of the vestry of the church, by the corporation of which they shall be respectively chosen; and in case of vacancy by death, resignation or otherwise, in the board of managers of said hospital, the vestry of the church in whose delegation the vacancy shall have occurred, shall have power to fill the same, by an election, for the unexpired residue of the current annual term.

SECTION 2. That the said managers shall have full power and authority, from time to time, to make and enforce rules and regulations for the management and administration of said hospital, and the government of the house and its inmates, in conformity with the will of the



founder: *Provided*, That all such rules and regulations which shall at any time be so made, shall be by the said managers forthwith communicated and submitted to the respective vestries of Christ church and Saint Peter's church; and if the same, or any part thereof, shall, within two years thereafter, be disapproved by a vote or resolution of either of said vestries, the rules and regulations so disapproved shall thenceforth be null and void and of none effect. Proviso.

SECTION 3. That there shall be a joint meeting of the vestries of the said respective churches, held at Christ church hospital on the second Monday after Easter Sunday, annually, at five o'clock in the afternoon, and it shall be the duty of the accounting wardens of said churches, respectively, to give written notice of said meeting to the members of their respective vestries, at least forty-eight hours before the same is to take place; and said meeting shall appoint a chairman and secretary from the members present, and the chairman shall then appoint two persons, one from each corporation, to act as tellers of the election of treasurer of Christ church hospital, and the nominations for treasurer shall then be made, (but no member of either of said vestries shall be a candidate,) and thereafter the meeting shall proceed to the election of a treasurer, which shall be by ballot, and the person having the highest number of votes, if a majority of the whole number present, shall be declared duly elected treasurer of Christ church hospital; but if no candidate shall have a majority after the first ballot, another ballot shall be taken, and the person having the greatest number of votes, not less than one-third of the number of the vestrymen present, shall be declared duly elected. Annual meeting of vestries.  
Election of treasurer.

SECTION 4. That if either of said vestries shall at any time adopt a resolution that it is inexpedient to remove the treasurer, such vestry shall have power to call a joint meeting of both vestries, to be held at Christ church hospital, at any time after forty-eight hours' notice, for the purpose of considering and disposing of the question of such removal, and the said meeting shall remove the said treasurer if they see fit; and in case any person elected treasurer as aforesaid, shall refuse to serve, or in case of vacancy by death, resignation, removal or otherwise, a special election shall be held for treasurer, upon forty-eight hours' notice, to be given in the manner before prescribed, by the accounting wardens, or if they do not concur, then by the managers of Christ church hospital; at which special election the like proceedings shall be had as at the stated elections; and a minute book shall be kept at the hospital in which the secretary of such meeting, for the election or removal of a treasurer, shall note particularly the proceedings thereto. Power to call joint meeting.

SECTION 5. That the treasurer, in conformity with the will of Doctor Kearsley, shall, before entering on the duties of his office, give bond in such sum, and with such surety as may be approved of by the managers of Christ church hospital, and shall hold his office till the next annual election, and till his successor in office shall have been duly elected and qualified. Treasurer to give security.

SECTION 6. That the managers of Christ church hospital shall have full power and authority to make, and from time to time at their discretion, to call in and change all investments of the funds of the institution, and to make all repairs and leases of the real estate belonging thereto. Power to change investments.

SECTION 7. That the limitations of the incomes of the several corporations mentioned in the act to which this is a supplement, shall not be construed to prevent or restrain the said corporations, jointly or severally, from holding estates, real, personal or mixed, in trust for any pious or charitable uses whatsoever. Limitation.

German Lutheran and Protestant Episcopal church of Kittanning, authorized to convey lot.  
 Application of proceeds.  
 Name of Presbyterian church of Three Ridges, changed to Presbyterian congregation of West Alexander.  
 Powers.

SECTION 8. That the surviving trustees of the German Lutheran and Protestant Episcopal congregations, of the borough of Kittanning, Armstrong county, be and they are hereby authorized to convey, by deed, the lot of ground in said borough on which their church was originally built, being situated at corner of Water and Vine street, in said borough; the proceeds of such sale to be applied to the erection of St. Paul's church, in said borough. That the Presbyterian congregation of the Three Ridges, in Washington county, shall hereafter be called and known by the name of the Presbyterian congregation of West Alexander; and by that name the said congregation shall be able and capable in law, to sue and be sued, plead and be impleaded, to grant, receive and inherit, purchase, have, hold and enjoy property, real and personal, and do all other legal acts whatsoever, as effectually, to all intents and purposes, as said congregation could have done, and would have been able to do by their former name, if no change had been made therein.

WILLIAM F. PACKER,  
*Speaker of the House of Representatives.*

WM. WILLIAMSON,  
*Speaker of the Senate.*

APPROVED—The twenty seventh day of March, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

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No. 219.

## SUPPLEMENT

To an act, entitled “An Act to incorporate the town of Perrysville, in the county of Juniata, into a borough.

Boundary line changed.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That from and after the passage of this act, the boundary line of the borough of Perrysville, in the county of Juniata, shall be so far altered and changed so as to exclude from the limits of said borough the farm of John Kepner, by a line running from the west end of Perrysville bridge, along the public road leading to Heeden's mill, to where said road intersects the western line of said borough; and so much of the act to which this is a supplement, as is thus altered, is hereby repealed.

WILLIAM F. PACKER,  
*Speaker of the House of Representatives.*

WM. WILLIAMSON,  
*Speaker of the Senate.*

APPROVED—The twenty-seventh day of March, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

No. 220.

## AN ACT

To change the name of Charles Mitchell Smith to Charles Mitchell Smith Leslie, that of Christopher List to Charles List, and that of John Boartsenhart to John B. Hart, and that of William Black, Jr. to William Krebs.

WHEREAS, Alexander Smith, of the county of Philadelphia, and Susan L., his wife, having by petition read, concurred and joined in the request of their son, Charles Mitchell Smith, born in lawful wedlock, and being yet a minor, that his name shall be changed from Charles Mitchell Smith to Charles Mitchell Smith Leslie, with a confirmation of all his rights and privileges to him under that name; therefore,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same.* That their son, born in lawful wedlock as aforesaid, is hereby authorized to change his name from Charles Mitchell Smith to Charles Mitchell Smith Leslie, and he shall henceforth be called and known by the name of Charles Mitchell Smith Leslie, and by that name he shall be able and capable in law to sue and be sued, plead and be impleaded, to grant, receive and inherit, purchase, have, hold and enjoy property, real and personal, and do all other legal acts whatsoever, as effectually, to all intents and purposes, as he could have done, and would have been able to do, by his former name, if no change had been made therein.

SECTION 2. That from and after the passage of this act, Christopher List of Philadelphia, shall be called and known by the name of Charles List, and by that name be capable of suing and being sued, and of granting and taking any real or personal estate, by grant, demise or purchase, in the same manner as if he had been always known by the name of Charles List.

SECTION 3. That from and after the passage of this act, John Boartsenhart, of Mifflin county, shall be called and known by the name of John B. Hart, and by that name be capable of suing and being sued, and of granting and taking any real or personal estate, by grant, demise or purchase, in the same manner as if he had been always known by the name of John B. Hart.

SECTION 4. That William Black, junior, of the city of Allegheny, of the county of Allegheny, be and is hereby authorized to change his name from William Black, junior, to that of William Krebs, and he shall henceforth be called and known by the name of William Krebs, and by that name he shall be able and capable in law to sue and be sued, grant, receive and inherit property, and to do all other legal acts and things, as fully and effectually, to all intents and purposes, as he could have done under his former name, if no change had been made therein.

WILLIAM F. PACKER,  
*Speaker of the House of Representatives.*  
WM. WILLIAMSON,  
*Speaker of the Senate.*

APPROVED—The twenty-seventh day of March, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

## No. 221.

## A FURTHER SUPPLEMENT

To the law relating to defaulting public officers.

Compensation of auditor appointed by the court in Philadelphia.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the auditor, appointed by the court of common pleas of the city and county of Philadelphia, as provided for by the tenth section of the act, entitled "A supplement to the law relating to defaulting public officers," passed the twenty-first day of April, one thousand eight hundred and forty-six, shall receive, as full compensation for his services, two dollars per day, to be computed from the fifteenth day of March, one thousand eight hundred and forty-eight, to be paid out of the treasury of the county of Philadelphia.

State treasurer to receive state stock in payment of debts.

SECTION 2. That the eleventh section of an act, entitled "An Act supplementary to an act relating to defaulting public officers," passed the twenty-first day of April, one thousand eight hundred and forty six, be and the same is hereby extended for the term of one year, from the first of May next.

Repeal.

SECTION 3. That so much of any law as is altered or supplied, be and the same is hereby repealed.

WILLIAM F. PACKER,  
*Speaker of the House of Representatives.*

WM. WILLIAMSON,  
*Speaker of the Senate.*

APPROVED—The twenty-seventh day of March, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

## No. 222.

## A FURTHER SUPPLEMENT

To an act supplementary to the acts relating to hawkers and pedlers, and regulating auctions in the county of Schuylkill.

Extended to Luzerne, Columbia, Monroe, Mercer, and Indiana counties.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the provisions of the act, entitled "An Act supplementary to the acts, relating to hawkers and pedlers, and regulating auctions, in the county

of Schuylkill," approved the seventeenth day of April, one thousand eight hundred and forty-six, be and the same are hereby extended to the counties of Luzerne, Columbia, Monroe, Mercer and Indiana.

SECTION 2. That the provisions of an act, entitled "An Act supplementary to the acts regulating hawkers and peddlers," approved the sixteenth day of April, eighteen hundred and forty, be and the same are hereby extended to all persons engaged in hawking and peddling, and carrying from place to place, tin, copper and hollow ware, in the county of Crawford.

WILLIAM F. PACKER,  
*Speaker of the House of Representatives.*

WM. WILLIAMSON,  
*Speaker of the Senate.*

APPROVED—The twenty-seventh day of March, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

No. 223.

## AN ACT

To incorporate the Odd Fellows' hall association of the Northern Liberties, in the county of Philadelphia.

WHEREAS, Certain citizens of this commonwealth, hereinafter named, have associated together for the purpose of erecting an Odd Fellows' hall, in the district of the Northern Liberties, in the county of Philadelphia, and have, with certain moneys raised, by issuing certificates of stock and certificates of loan, purchased a certain lot or piece of ground, situate on the north-west corner of Third and Brown streets, in the said district of the Northern Liberties, and erected upon the same a hall and other buildings, for the use and accommodation of various lodges of the Independent Order of Odd Fellows; therefore,

*Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That John T. Brown, William M. Parham, William Super, William Curtis, Smith Skinner, F. Knox Morton, Abraham W. Haines, Frederiek Bronstrap, Joseph S. Langer, William Neal, Samuel S. Warthman, Israel R. Deacon, Henry Simons, junior, Theodore N. Town and James S. Watson, and their successors, and all persons who now are or may hereafter be associated with them, be and they are hereby created and erected into a body politic and corporate, in deed and in law, by the name, style and title of "The Odd Fellows' hall association of the Northern Liberties."* and by that name shall have perpetual succession, and be able to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended, in all the courts of law or equity within this commonwealth and elsewhere; and also to be able to take

Preamble.

Corporators.

Style.

Privileges.

and hold to them and their successors, either by gift, grant, devise or lease, any lands or real estate for the use of the said association; and also to take and hold, for the use of the said association, any goods and chattels, sum and sums of money, by gift, grant, bargain and sale, will, devise or bequest, from any person or persons whatsoever, capable of making the same, and the same at their pleasure to grant, bargain and sell, for the use of the said association, and generally to do and perform all and singular the matters and things which shall be lawful for them to do and perform, for the well being and due management of the affairs of the said association: *Provided*, That the real estate of which the said corporation shall at any time be possessed, shall not exceed the clear yearly value of five thousand dollars: *And provided also*, That the certificates of stock and certificates of loan, already issued by the persons and for the purposes hereinbefore mentioned, shall be assumed by the said "The Odd Fellows' hall association of the Northern Liberties," who shall pay the interest now due, or that may hereafter become due on the same, and redeem the same whenever they shall respectively become due and payable; the liability of the said association, for the payment of the said interest and the redemption of the said certificates, to be the same as if they had been issued by the said association in virtue of law: *And provided also*, That from and immediately after the passage of this act, the title to the said lot or piece of ground, and the hall and other buildings thereon erected, shall be vested in "The Odd Fellows' hall association of the Northern Liberties," as fully, to all intents and purposes, as the same is held by the persons hereinbefore mentioned.

**SECTION 2.** The stockholders shall meet annually, on the second Saturday in December, and choose by ballot fifteen trustees, who shall serve until their successors are elected; a majority of the whole number of votes polled shall constitute a choice, and in the event of a failure to elect any of the said trustees at any regular election, or in case of death, resignation or inability to serve, growing out of any other cause, there shall be a vacancy or vacancies in the board of trustees, then and in such cases special elections shall be held, on five days' notice of the same in any daily newspaper of the city or county of Philadelphia, by the president and secretary of the said board of trustees; and the said board of trustees shall, at their first meeting after their election, annually, choose one of their number as president, and also shall choose a secretary, treasurer and such other officers as the business of the corporation may require, and allow to each of them such reasonable compensation as they may from time to time deem proper: *Provided*, That the trustees and officers, now managing the affairs of "The Odd Fellows' hall association of the Northern Liberties," shall continue as trustees and officers of the corporation hereby created, till the regular election shall be held as hereinbefore provided.

**SECTION 3.** That it shall and may be lawful for the said corporation to have a common seal, and the same at their will and pleasure to change, alter and renew, as they may think proper, and shall have and exercise all the rights, privileges and immunities necessary for the purposes of the corporation hereby constituted and as herein expressed.

**SECTION 4.** The government of the said association, and the management and disposition of its affairs and property, shall be vested in the said board of trustees.

**SECTION 5.** The corporation shall have power and authority to make by-laws conformable to this charter, and not inconsistent with the laws of the United States or of this commonwealth.

SECTION 6. That the legislature hereby reserves the right to alter, revoke or annul the charter of the said "The Odd Fellows' hall association of the Northern Liberties," whenever in their opinion it may be injurious to the citizens of this commonwealth; in such manner, however, that no injustice shall be done to the corporators thereof.

WILLIAM F. PACKER,  
*Speaker of the House of Representatives.*

WM. WILLIAMSON,  
*Speaker of the Senate.*

APPROVED—The twenty-seventh day of March, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

No. 224.

## A FURTHER SUPPLEMENT

To an act to incorporate the Pennsylvania railroad company, passed April thirteenth, one thousand eight hundred and forty-six.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That under the provisions of the first section of the act, entitled "An Act to incorporate the Pennsylvania railroad company," approved the thirteenth day of April, one thousand eight hundred and forty-six, it shall be competent to the county of Allegheny, the cities of Pittsburg and Allegheny, and the municipal corporations in the county of Philadelphia, and the said act shall be construed to have authorized the city of Philadelphia to subscribe for shares in the capital stock of said Pennsylvania railroad company, and to borrow money to pay therefor, and to make provision for the payment of the principal and interest of the money so borrowed, as in other cases of loans to said corporations; and no certificate or bond issued shall be for a less sum than one hundred dollars, and shall be transferable only on the books of the respective corporations kept for that purpose; and the certificates of loan or bonds issued, or to be issued, by any such corporations for the purpose aforesaid, bearing an interest of six per centum per annum, payable half yearly, may be received as cash by the company named in said act, in payment of the instalments on shares subscribed by such corporation; but the total amount of the shares in the capital stock aforesaid, subscribed for by any such corporation, shall not exceed five per cent. on the assessed value of the property subject to taxation for state or county purposes, within the limits of such corporation: *Provided,* That any city or other municipal corporation, or the county of Allegheny aforesaid, may be represented at elections and at other meetings of the said company, by agents duly authorized by the commissioners of said counties, and by the mayor or chief officers of said cities, or other municipal corporations, acting under resolutions passed by the consti-

Allegheny county cities of Pittsburg and Allegheny, and municipal corporations of Philadelphia county and Philadelphia city, made competent to subscribe for stock.

Authorized to borrow money.

Amount of such subscription.

Proviso.

- Proviso.** tuted authorities thereof: *Provided also*, That any county, city or municipal corporation, that shall be possessed of ten thousand or more shares in the capital stock of said company, shall in lieu of voting at the general elections of said company hereafter, be entitled by the constituted authorities thereof, to elect one director out of the number designated in the act to which this is a supplement, within one month prior to the first Monday in December, for each and every ten thousand shares held by said corporation; but no county or corporation shall be entitled to elect more than three directors, and a majority of the board of directors shall, at all times, be elected by the private stockholders; if at any time the corporations who have subscribed to the stock, shall be entitled, under this provision, to more than six directors, then the number of directors to which such corporation (as elect more than one director) is entitled to, shall be reduced in such manner as shall be determined upon by the directors in office, so as to do justice to all:
- Corporations may elect a manager.** *Provided further*, That all directors elected by said corporations shall be possessed of not less than twenty shares of the stock of said company, in their own right, and shall not be members of the body by which they are elected: *Provided further*, That the tax on tonnage of five mills per ton per mile, from the tenth of March to the first of December, payable to the state treasury under the provisions of the twenty-second section of the act to which this is a supplement, be commuted to a tax of three mills per ton per mile during the whole year; and if, after two years from the completion of the road, the commutation to three mills herein provided shall not yield as much revenue to the commonwealth as would have been received under the original provision, then the rate of five mills, as originally provided for, may be restored at the option of the legislature; said tax to cover all freight carried over the road more than twenty miles.
- Proviso.** *SECTION 2.* That the directors of the Pennsylvania railroad company be and are hereby authorized to pay to the share holders, entitled to receive the same, in the months of May and November, in each year, interest at the rate of six per cent. per annum, on all instalments paid by them, which interest shall be charged to the cost of construction, and continue to pay the same until the said road shall be completed; and that, until the period for which a dividend shall be declared, all the profits and earnings of the said railroad shall be credited to the cost of construction: *Provided*, That no stockholder who has neglected, or who hereafter shall neglect, to pay up the instalments as called for, shall be entitled to receive interest on the same; and the directors of said railroad company are hereby required strictly to enforce the penalty which is provided in the case of delinquencies under the act to which this is a supplement; and the provisos to the tenth section be and the same are hereby repealed: *Provided further*, That the stock of said company shall not be subject to any tax in consequence of the payment of the interest hereby authorized.
- Proviso.** *SECTION 3.* That so much of the eleventh section of said act, as prohibits the Pennsylvania railroad company from passing through any dwelling house, shall be construed only to extend to homesteads in possession and occupancy of the owner or owners, and shall not extend to dwellings kept for rent: *Provided*, That full compensation be made to the owner or owners of such buildings, for all damage sustained thereby, the same to be ascertained as in other cases.
- Certain powers extended.** *SECTION 4.* That when the Pennsylvania railroad company cannot agree with the owner or owners of any lands or materials, for the compensation proper for the damage done, or likely to be done to, or sustained by any such owner or owners of such lands or materials which
- Proviso.**
- Damages, how to be assessed.**



said company may enter upon, use, or take away in pursuance of the authority given them, by the act to which this is a supplement, or by reason of the absence or legal incapacity of any such owner or owners, no such compensation can be agreed upon, the court of common pleas of the proper county, on application thereto, by petition, either by said company or owner or owners, or any one in behalf of either, shall appoint five disinterested persons of the next adjoining county or counties, none of whom shall be residents of any of the counties through which said railroad shall pass, and to fix a time, not less than twenty, or more than thirty days thereafter, for said viewers to meet upon the premises where the damages are alledged to be sustained, of which time and place ten days' notice shall be given by the party petitioning to said viewers, and to the other party, and the said viewers having been first sworn or affirmed by some power, competent to administer oaths, faithfully, justly and impartially to decide, and true report to make concerning all the matters and things to be submitted to them, and in relation to which they are authorized to inquire in pursuance of the provisions of this act; and having viewed the premises, they shall estimate and determine the quantity, quality and value of said lands so taken or occupied, or to be taken and occupied, or the materials so used or taken away, or to be used or taken away, as the case may be, and having a due regard to, and making just allowances for the advantages which may have resulted, or which may seem likely to result to the owner or owners of said lands or materials, in consequence of the opening or making of said railroad, or the construction of works connected therewith; and after having made a fair and just comparison of said advantages or disadvantages, they shall estimate and determine whether any, and if any, what amount of damages have been sustained or may be sustained, and to whom payable, and make report thereof to the court; and if any damages be awarded, and the report be confirmed by said court, judgment shall be entered thereon, and if the amount thereof be not paid, execution may issue thereon as in other cases of debt, for the sum so awarded; and the cost and expenses incurred shall be defrayed by said railroad company; and the said viewers shall be entitled to two dollars per day for each of them, for the time necessarily employed in performing the duties hereinbefore prescribed: *Provided*, That nothing herein contained, Proviso. shall authorize the said company to enter upon any lands, or taken any property without making compensation to the owners of said property, or give adequate security therefor: *And provided*, That if either, or all Proviso. of the judges of the court of common pleas aforesaid, is or are interested in the said railroad as officers, stockholders, contractors or otherwise, then the viewers aforesaid shall be selected and appointed by the sheriff and commissioners of the proper county, in like manner and with like powers, as if appointed by the court of common pleas: *Provided further*, That if the proper officer of said company, at any time before application made by either party for the appointment of viewers, in the manner hereinbefore directed, shall tender to the owner or owners of said lands or materials a sum of money, in full compensation for his or their said damages, said company shall not be liable for costs on any subsequent proceedings, unless such owner or owners of land or materials shall be awarded a larger sum than the previous tender of said company: *Provided*, That in all cases where proceedings have Proviso. been instituted under the twelfth section of the act of the thirteenth April, one thousand eight hundred and forty six, the same shall be continued and proceeded in according to the provisions of the aforesaid act.

SECTION 5. That if said railroad company shall find it necessary to change the site of any portion of any turnpike or public road, they shall Crossing or occupying turnpike or roads.

cause the same to be re-constructed forthwith, at their own proper expense, on the most favorable location, and in as perfect a manner as the original road: *Provided*, That the damages incurred in changing the location of any road authorized by this section, shall be ascertained and paid by said company, in the same manner as is provided for in regard to the location and construction of their own road.

Construction of  
part of former  
act.

SECTION 6. That the first proviso contained in the eleventh section of the act to which this is a supplement, shall be so construed as to extend exclusively to such tonnage as shall have, under the twenty-second section of said act, become liable to taxation on its transit over the Pennsylvania railroad, and that said road, referred to in said proviso, shall terminate at or near the city of Pittsburg.

To connect with  
Allegheny Por-  
tage railroad.

SECTION 7. That the said Pennsylvania railroad company be and are hereby authorized to connect their railroad with the Allegheny Portage railroad, by the most practicable route, at such points at or near Hollidaysburg and Johnstown, as may be agreed upon with the canal commissioners.

WILLIAM F. PACKER,  
*Speaker of the House of Representatives.*

WM. WILLIAMSON,  
*Speaker of the Senate.*

APPROVED—The twenty-seventh day of March, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

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No. 225.

## AN ACT

To confirm the title of the General Greene beneficial society, of the city and county of Philadelphia, to certain ground rents.

Preamble

WHEREAS, George G. Williams and wife, by several indentures, bearing date, respectively, the twenty-sixth of September, one thousand eight hundred and forty-six, and twentieth of April, one thousand eight hundred and forty six, one of them recorded at Philadelphia, in deed book A, number 31, page 187, the other intended to be recorded in and by one of them granted and assigned unto the said General Greene beneficial society of the city and county of Philadelphia, and to their successors and assigns forever, all that certain yearly ground rent, or sum of forty dollars, lawful silver money of the United States of America, chargeable in and issuing and payable in half yearly payments forever, without deduction for taxes, out of a certain lot or piece of ground, situate on the south-east side of Otter street, at the distance of one hundred and twenty feet south-westward from Frankford road, in Kensington, in the county of Philadelphia, and in and by the other of them granted and assigned unto the said General Greene beneficial society of the city and county of Philadelphia; and to their successors and assigns,

all that certain yearly ground rent, or sum of thirty-five dollars, chargeable in and issuing and payable in half yearly payments forever, without deduction for taxes, out of a certain lot or piece of ground situate on the west side of Delaware Front street, at the distance of one hundred and sixty-three feet southward from the corner of Otter street, in Kensington aforesaid:

*And whereas*, It is represented to the legislature, that doubts are entertained respecting the right and power of said beneficial society to hold, sell and assign said ground rents; therefore,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the several titles of the said the General Greene beneficial society of the city and county of Philadelphia, and of all and every person or persons lawfully claiming or to claim under or from the said society, by purchase or otherwise, to the said two several yearly ground rents, shall be and the same are hereby confirmed and made valid, to the same extent and effect, to all intents and purposes, as if at and before the execution of the said recited indentures, respectively, express lawful authority had been given to or vested in the said General Greene beneficial society of the city and county of Philadelphia, to purchase, take, hold, sell, transfer and assign, in fee simple or otherwise, the said yearly ground rents, and every part thereof; all laws heretofore made, to the contrary notwithstanding; and the claim, if any, of this commonwealth, to the said ground rents, is hereby released to the said General Greene beneficial society, their successors and assigns, forever. Title confirmed.

WILLIAM F. PACKER,

*Speaker of the House of Representatives.*

WM. WILLIAMSON,

*Speaker of the Senate.*

APPROVED—The twenty-eighth day of March, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

No. 226.

## AN ACT

In relation to obstructions in Tionesta and Towanda creeks, and in Clarion river, in Elk and Jefferson counties.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That so much of the act of assembly, entitled “An Act in relation to obstruction of the Clarion river, and for other purposes,” as relates to obstructions in the Clarion river, be and the same is hereby extended to so To prevent obstructions in Tionesta creek.

much of the navigable parts of Tionesta creek, in the counties of Warren, Jefferson and Venango, as has been declared a public highway.

Obstructions in  
Tionesta creek.

Towanda creek.  
Clarion river.

SECTION 2. That the provisions of an act passed the fifteenth of March, one thousand eight hundred and forty-seven, entitled "An Act in relation to obstruction of the Big Brokenstraw and its tributaries," be and the same are hereby extended to so much of the Tionesta creek, in the counties of Warren and Jefferson, as has been declared a public highway, and to that part of Towanda creek, in Bradford county, that has been declared a public highway; and also to so much of the Clarion river and its tributaries, as have been declared public highways in the counties of Elk and Jefferson.

WILLIAM F. PACKER,  
*Speaker of the House of Representatives.*

WM. WILLIAMSON,  
*Speaker of the Senate.*

APPROVED—The twenty-seventh day of March, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

No. 227.

## AN ACT

To limit the hours of labor, and to prevent the employment, in factories, of children under twelve years of age.

Labor reduced to  
ten hours a day.

Admission of  
minors under  
twelve years of  
age prohibited.

Proviso.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That labor performed during a period of ten hours, on any secular day, in all cotton, woolen, silk, paper, bagging and flax factories, shall be considered a legal day's labor; and that hereafter, no minor or adult, engaged in any such factories, shall be holden or required to work more than ten hours on any secular day, or sixty hours in any secular week; and that after the fourth day of July, of the present year, no minor shall be admitted as a worker, under the age of twelve years, in any cotton, woolen, silk or flax factory, within this commonwealth; that if any owner of or employer in any such factories aforesaid, shall employ any such minor, he shall be adjudged to pay a penalty of fifty dollars, one-half thereof to the party so employed, and the other half to the commonwealth, to be recovered in like manner as fines of like amount are now recoverable by law: *Provided,* That nothing contained in this act shall be construed to prevent minors, above the age of fourteen

years, from being employed more than ten hours in any day, if the same be done by special contract with their parents or guardians.

WILLIAM F. PACKER,  
*Speaker of the House of Representatives.*

WM. WILLIAMSON,  
*Speaker of the Senate.*

APPROVED—The twenty-eighth day of March, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

No. 228.

## AN ACT

Providing for laying out a state road from Berwick, in Columbia county, to Pottsville, in Schuylkill county, and to view and lay out a state road from Waynesburg, Greene county, to the widow Griffin's, in Fayette county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* George Mack, of Columbia county, Wallace Seybert, of Luzerne county, *Commissioners.* and John Breisch, of Schuylkill county, be and the same are hereby appointed commissioners to view and lay out a state road beginning at the borough of Berwick, Columbia county, and thence to Pottsville, in *Location.* the county of Schuylkill, by the nearest and best route.

SECTION 2. It shall be the duty of the said commissioners, or a majority of them, to view as aforesaid, after having been sworn or affirmed before some justice of the peace, who shall file and preserve the affidavits in his office, to perform the duties enjoined on them by this act with fidelity and impartiality, carefully to view the ground over which the road laid out by them may pass, and lay out the same as near to a straight line as the nature of the ground and circumstances will permit, and so that the vertical departure from a horizontal line shall in no point exceed seven degrees, except at the crossing of ravines and streams, where by moderate filling and bridging the declination of the road may be preserved within that limit; and further, it shall be the duty of the commissioners to have due regard to the crossing of water, the nature of the ground and damage to private property, and all other circumstances that may affect the route, so that by a judicious combination of the route adopted may best promote the public good; and that they shall clearly and distinctly mark upon the ground the route agreed upon, in such manner as to enable the supervisors readily to find the same; and for the purpose of fulfilling the duties by this act enjoined, the said commissioners shall receive a per diem allowance of two dollars each for every day they shall have been necessarily employed in performing the duties of this act; the said commissioners are hereby *Compensation.* authorized to employ a surveyor at two dollars per day, two chain

bearers and one axeman at a per diem allowance not exceeding one dollar each.

Draft.

SECTION 3. That it shall be the duty of the said commissioners to make out a fair and accurate draft of the location of said road, marking thereon the courses and distances as they occur, the improvements passed through, and also the crossings of county and township lines, roads and waters, with such other matters as may serve for explanation; one copy whereof shall be deposited in the office of the secretary of the commonwealth, on or before the first day of January next, and one copy in the office of the clerk of quarter sessions of each county through which the said road shall be laid out, on the day aforesaid, or as much sooner as practicable, which shall be a record thereof; and from thenceforth the said road shall be, to all intents and purposes, a public highway, and shall be opened and repaired in all respects as roads are opened and repaired by the supervisors of the highways, without the intervention of any order of any courts for that purpose; and any part or parts of said road may be immediately, on the filing of the drafts aforesaid, opened and worked for the benefit of the public; and the supervisors of the several townships through which the said road shall be laid out as aforesaid, shall open the said road of the width of fifty feet.

Accounts, how settled.

SECTION 4. The accounts of the said commissioners for their own pay and for the pay of a surveyor, chain carriers and axeman, shall be adjusted by the commissioners in the several counties in which the said road may be laid out, and paid by the respective treasurers thereof, on warrants drawn in the usual manner, in proportion to the length of the road in each county respectively: *Provided*, That such accounts shall be verified on oath that they are correct and proper.

Time of meeting.

SECTION 5. The said commissioners shall meet on or before the first Monday in September next, at such place as a majority of them shall agree upon, and complete the location of the said road as soon as practicable; and if any vacancy or vacancies shall happen, by resignation or any other cause, the court of quarter sessions of Columbia county is hereby authorized to supply such vacancy or vacancies by a suitable appointment; and in the event of a difference of opinion, a majority of the commissioners shall determine, and a report of such a majority shall be conclusive and as available as if made by all of them.

Commissioners appointed to lay out a state road from Waynesburg to widow Griffins.

SECTION 6. That Rufus K. Campbell, of Greene county, and Alexander Crow and Merideth Mallory, of Fayette county, be and the same are hereby appointed commissioners to view, lay out and mark a state road beginning at or near Waynesburg, in Greene county; thence down Whitely creek and by way of Greensboro', New Geneva and Haydentown, in Fayette county, to intersect the Cumberland road at the widow Griffin's tavern, by the easiest and most practicable route, having regard to distance of the route, the surface of the country and the cost of construction.

Commissioners to be sworn.

Duties.

SECTION 7. That it shall be the duty of said commissioners, or a majority of them, after having been duly sworn or affirmed before a justice of the peace, who shall file and preserve the same in his office, to perform all the duties enjoined by this act, with impartiality, carefully to view the ground over which the road to be laid out by them may pass, having due regard to a straight and easy road for the public, at an elevation of not more than five degrees from a horizontal line; and that they shall clearly and distinctly mark the road in such a manner as shall render the route agreed upon, readily found by the supervisors; and for fulfilling the duties enjoined by this act, the commissioners shall be allowed the sum of one dollar and fifty cents per day

Compensation.

for every day they shall be necessarily employed in performing the duties assigned by this act; and the said commissioners are hereby authorized to employ one surveyor, at one dollar and fifty cents per diem; two chain bearers and one axeman, at a sum not exceeding, for each, one dollar per diem.

SECTION 8. That said commissioners shall make out a fair and accurate draft of the location of the road, noting thereon courses and distances, and the places, waters, county and township lines, with such other matter as may serve for explanation; one copy whereof shall be deposited in the office of the secretary of the commonwealth, on or before the first day of January next, and one copy in the office of the clerks of the court of quarter sessions of the respective counties through which the said road may pass, on the time aforesaid, or as much sooner as practicable; and from thenceforth said road shall be a public highway, and shall be opened and repaired as all other roads, laid out by the courts, are made and repaired. Drafts.

SECTION 9. That the commissioners shall draw on the commissioners of the counties through which said road shall pass, who shall adjust the account of the commissioners, surveyor, chain bearers and axeman, and pay them as other accounts, by orders on the treasurer of the county, are paid. Accounts of commissioners, how to be settled and paid.

SECTION 10. That said commissioners shall meet on or before the first Monday of August next, or as soon thereafter as a majority of them shall agree on, and complete the location of said road as soon as practicable; and if any vacancy shall occur, by resignation or otherwise, it shall be filled by the judges of the court of quarter sessions of the county in which said person or persons, so resigning, shall have resided. Time of meeting.

SECTION 11. That it shall be the duty of the supervisors of the several townships through which said road shall pass, upon notice given, to proceed at once and make and open the said road as other roads are made; and on failing to comply, the said supervisors, or any of them, shall forfeit and pay a fine not less than fifty dollars, to be collected as other fines are collected, and said fine shall be appropriated for the use of said road; and the justice of the peace before whom information is lodged, shall have power to appoint another person in place of the supervisor refusing to perform the duties of this act, who shall be paid out of the funds set apart for the laying out and repairing of roads in the township in which said person so refusing may reside; and that said commissioners shall have power to vacate any road, or part thereof, as may be rendered useless by this act, or shall have power to locate any part of the road between the points mentioned by this act. Duty of supervisors.

WILLIAM F. PACKER,  
*Speaker of the House of Representatives.*

WM. WILLIAMSON,  
*Speaker of the Senate.*

APPROVED—The twenty-eighth day of March, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

No. 229.

## AN ACT

To authorize John S. Gable, of the city of Lancaster, to sell certain real estate of Henry Livergood, deceased, and the trustees of West Nantmeal Presbyterian church to borrow money.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That*

John S. Gable,  
authorized to sell  
real estate of  
Henry Liver-  
good, deceased.

Conditions.

To execute deed.

Proviso.

John S. Gable, of the city of Lancaster, is hereby authorized and empowered to sell, by public vendue or private contract, a certain stone grist and merchant mill, with the water rights belonging to it, a two story stone house, a barn and other buildings, and piece or parcel of land, situate on the Little Conestoga creek, in Manor and Lancaster townships, Lancaster county, adjoining lands of John Gamber, Rudy Gamber, Henry Herr, Peter Stout and the Lancaster and Columbia turnpike, containing twenty-two acres, more or less, of which Henry Livergood, late of Manor township, Lancaster county, deceased, died seized, and that the same be sold upon these terms, to wit: That one-third part of the balance of the purchase money, after deducting expenses, et cetera, and after setting apart thereout such sum as in the opinion of the orphans' court of Lancaster county shall be sufficient for the support and education of the deceased's minor children, if such provision be still necessary under his will, shall remain charged upon the premises, during the life or widowhood of Salome Livergood, the widow of the said Henry Livergood, legal interest, of which one-third shall be paid to her out of the premises, annually and regularly, during her life or widowhood, and at her death or marriage, the principal to be paid to the seven children of the deceased and their representatives; that the residue of the purchase money be made payable on the first day of April next, following such sale; and that on the same day, upon payment thereof, and after confirmation of the sale, so to be made by the orphans' court of Lancaster county, possession be given of the premises, and a deed of conveyance be executed by the said John S. Gable for the same, to the purchaser or purchasers thereof, his, her or their heirs and assigns, forever, conveying to him, her or them such estate as the said Henry Livergood had and held therein, at and immediately before his death: *Provided*, That the said John S. Gable, before making such sale or conveyance, or receiving any part of such purchase money, shall give bond, with sufficient security, in the orphans' court of Lancaster county, to be approved by the judges thereof, conditioned that he will pay over, apply and distribute the proceeds of such sale among the children of said deceased, and their legal representatives, and in manner aforesaid, under the direction and decree of distribution of said court, by means of an auditor or auditors, or otherwise, and with this further provision, that if any of said children die in their minority, without lawful issue, the share or shares of any so dying, as well in the moneys distributable at the death or marriage of said widow, as in the remainder, whether the same be then in the hands of the said John S. Gable or in those of the guardian of any so dying, shall in



accordance with said will be paid to and divided among the surviving children of the said Henry Livergood, deceased, and their heirs.

SECTION 2. That it shall and may be lawful for the trustees of the West Nantmeal Presbyterian church, of the county of Chester, to borrow money from time to time, such sum or sums of money as they may deem necessary for the payment of the debts of said church, for the improvement of their real estate, or for the purchase of such other real estate as they may think desirable; and it shall and may be lawful for the trustees to secure the money so borrowed, by mortgage on the real estate of said church or otherwise, in such manner as the said trustees shall direct: *Provided*, That before the trustees shall borrow such sum or sums of money, they shall have the assent of a majority of the congregation assembled, upon at least two weeks' previous notice, given from the pulpit on two successive Sabbaths, in which notice shall be stated the amount and objects of the money proposed to be borrowed.

Trustees of West Nantmeal Presbyterian church, authorized to borrow money.

*Provido.*

WILLIAM F. PACKER,

*Speaker of the House of Representatives.*

WM. WILLIAMSON,

*Speaker of the Senate.*

APPROVED—The twenty-eighth day of March, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

No. 230.

## A FURTHER SUPPLEMENT

To the act, entitled "An Act authorizing the governor to incorporate a company for making an artificial road from the bank of the river Susquehanna, opposite Harrisburg, to Pittsburg," and to the several supplements thereto, making Stoystown a point in lieu of Somerset, and granting a charter to the president, managers and company of the Bedford and Stoystown turnpike road company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That no proceeding shall be commenced under the fourteenth section of the said act, passed the twenty-fourth of February, one thousand eight hundred and six, to which this is a supplement, unless the person complaining shall have given twenty days' previous notice, in writing, to the gate-keeper nearest to whose gate the part of the road complained of is situate, specifying particularly the part or parts of the road alledged to be out of repair, and the nature of the defect alledged, and notifying him that unless the proper repairs be made in thirty days after the service of the notice, proceedings will be commenced before a justice and three freeholders.

When proceedings against company may be instituted.

SECTION 2. That when an information, on oath or affirmation, is filed before a justice under the said section, it shall be his duty to issue a summons to the gate-keeper, on whom the said notice was served, noti-

Information to be filed.

fyng him that on a day certain, not less than three nor more than six days thereafter, three freeholders will be chosen at his office to hold an inquest, to inquire into the matters specified in the said notice.

To choose freeholders.

SECTION 3. That three freeholders shall be chosen as follows: if the gate-keeper, or any manager or other officer of the company attend, such gate-keeper, or other officer or agent of the company, shall, alternately, nominate to the justice until a list of the number of fifteen persons nominated is made out, from which list the complainant and the person attending on the part of the company shall strike out, alternately, until three names are left, who shall be the persons chosen to act with the justice in holding the inquest; if no person attend on part of the company, or if the person attending refuse to choose as aforesaid, the justice shall then appoint the three freeholders without any intimation or suggestion from the complainant.

Reduce rates of toll.

SECTION 4. That it shall be lawful for the said president, managers and company to reduce the rates of toll now authorized to be collected, for every space of five miles in length of said road, whenever in their opinion it may be deemed expedient; and also to increase the toll on wagons and carriages of burthen not exceeding the following rates, that is to say: For every such wagon or carriage of burthen the wheels whereof being less than four inches in breadth, drawn by six horses, six cents for each horse drawing the same; for every such wagon drawn by seven horses, seven cents for each horse drawing the same; for every such wagon drawn by eight horses, eight cents for every horse drawing the same; and for every such wagon drawn by any number of horses exceeding eight, nine cents for each horse drawing the same; and for every such wagon or carriage of burthen the wheels whereof are four inches and upwards in breadth, drawn by seven horses, four cents for each horse drawing the same; for every such wagon drawn by eight horses, five cents for each horse drawing the same; for every such wagon drawn by any number of horses exceeding eight, six cents for each horse drawing the same.

Provisions limited to certain turnpike road companies.

SECTION 5. The provisions of this act are hereby limited to the Chambersburg and Bedford turnpike road company, and the Bedford and Stoystown turnpike road company, and the Stoystown and Greensburg turnpike road company.

WILLIAM F. PACKER,  
*Speaker of the House of Representatives.*

WM. WILLIAMSON,  
*Speaker of the Senate.*

APPROVED—The twenty-eighth day of March, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

No. 231.

## AN ACT

Designating the period for the commencement of the official term of the state treasurer.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the term of office of the state treasurer shall hereafter commence on the first Monday of May, next succeeding his election, and shall continue for one year, or until his successor shall be duly qualified. Commence on 1st day of May.

SECTION 2. That the term of office of the present state treasurer be and the same is hereby extended to the first Monday of May, eighteen hundred and forty-nine. Term of present state treasurer extended.

WILLIAM F. PACKER,  
*Speaker of the House of Representatives.*

WM. WILLIAMSON,  
*Speaker of the Senate.*

APPROVED—The twenty-eighth day of March, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

No. 232.

## AN ACT

To annul the marriage contract between Samuel Stackhouse and Amelia, his wife.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the marriage contract entered into between Samuel Stackhouse and Amelia, his wife, is hereby cancelled and made void, and the parties released and discharged from said contract, and from all duties and obligations arising therefrom, as fully, and effectually and absolutely, as if they had never been joined in marriage.

WILLIAM F. PACKER,  
*Speaker of the House of Representatives.*

WM. WILLIAMSON,  
*Speaker of the Senate.*

APPROVED—The twenty-eighth day of March, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

No. 233.

## A FURTHER SUPPLEMENT

To the act incorporating the Philadelphia and Reading railroad company.

**SECTION 1.** *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That it shall and may be lawful for the president and managers of the Philadelphia and Reading railroad company, by and with the advice and consent of the stockholders thereof, to be first had and obtained, at a meeting to be convened for the purpose by said president and managers, after thirty days' notice thereof having been published daily, for a period of at least thirty days, in two newspapers published in the city of Philadelphia, the object of such meeting or meetings, as the case may be, being fully set forth in said publications, to create and dispose of a sufficient amount of stock or loan, on such terms and at such prices as the said stockholders may direct, to enable the said company to discharge their indebtedness, or any part thereof, which may mature and become due prior to the year eighteen hundred and fifty-seven; which stock so issued, shall be deemed and taken as preferred stock, if the stockholders shall have so directed, and be entitled to be first paid such a dividend as shall have been authorized and directed by the meeting authorizing the issuing of the same, if the profits of the current year shall be sufficient for the purpose, before any dividend shall be paid on the other stock of said company: *Provided,* That no dividend of profits shall be declared or made, until all current expenses, repairs and interest on the company's debts, shall be first paid or provided for from the receipts of the company's business: *And provided further,* That none of the money arising from the sale or disposal of the stock or bonds, which may be issued under this act, shall be appropriated to any other use or purpose whatsoever, than that of discharging the indebtedness before mentioned: *And provided further,* That upon the declaration of any dividend or dividends of profits, by said company, it shall be the duty of the president and managers thereof, within thirty days thereafter, to pay or cause to be paid into the state treasury, the rate of tax now imposed by general law upon dividends of institutions and companies incorporated by this commonwealth.

To create a sufficient amount of stock to pay their indebtedness.

Proviso.

Proviso.

To extend road to Pottsville.

**SECTION 2.** That within two years from and after the passage of this act, said company shall extend the upper terminus of their railroad, at Mount Carbon, into the borough of Pottsville, and shall there establish a depot for the reception of passengers and deposit of merchandise, carried or to be transported over the road of said company.

WILLIAM F. PACKER,  
*Speaker of the House of Representatives.*

WM. WILLIAMSON,  
*Speaker of the Senate.*

APPROVED—The twenty-ninth day of March, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

No. 234.

## AN ACT

To confer on Margaret Jane Campbell, of Lower Chanceford township, York county, the rights and privileges of a child born in lawful wedlock.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* Margaret Jane Campbell, daughter of Mathew Campbell, of Lower Chanceford township, York county, shall have and enjoy all the rights and privileges of a child born in lawful wedlock, and shall be able and capable in law to inherit and transmit any estate whatsoever, as fully and effectually as if she had been born in lawful wedlock.

WILLIAM F. PACKER,  
*Speaker of the House of Representatives.*

WM. WILLIAMSON,  
*Speaker of the Senate.*

APPROVED—The twenty-ninth day of March, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

No. 235.

## AN ACT

For the relief of Frances Clementine Nathalie Morlot, and to authorize Charles Creacraft to convey certain real estate.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* any trustee, or trustees for the time being, of the trust estate created by indenture, dated May twenty five, Anno Domini one thousand eight hundred and thirty-one, (and recorded in the office for the recording of deeds for the city and county of Philadelphia, in deed book A M, No. 16, page 105) from Richard Ashhurst and wife, to Thomas Badoraque and John Latour, in trust, which trust estate is settled to the sole and separate use of Frances Clementine Nathalie Bujac, (now Frances Clementine Nathalie Morlot, wife of Robert Morlot) daughter of the late John L. Bujac, of the city of Philadelphia, merchant, deceased, for her life, with remainder over, as in said indenture is provided and contained, shall at all times have full power and authority to invest, and from time

Power to sell and  
invest proceeds.

to time to re-invest the proceeds of the sale of the said trust estate, or any part thereof, either in other real estate as provided in said indenture, or at his or their discretion, in any of the loans, stocks, or other securities which now are, or hereafter may be recognized by the law of this commonwealth as legal investments for trustees; and for any loss arising from any such investment so made in good faith, the said trustee, or trustees, shall not be held responsible; and any such investments in which the said trust estate may be invested at the date of the passage of this act, and which shall be transferred to any future trustee or trustees, may be held by such trustee, or trustees, as if made by authority thereof.

Guardian of  
minor children of  
Philip Crow to  
convey real es-  
tate.

SECTION 2. That Charles Creacraft, of Washington county, guardian of the minor children of Philip Crow, late of said county, deceased, be and he is hereby authorized to convey, by deed in fee simple, unto John Simms, a certain tract or parcel of land, situate in the said county, containing about five acres, sold to the said John Simms by the said Philip Crow, deceased, by article of agreement dated the twentieth day of January, Anno Domini one thousand eight hundred and thirty.

William Whar-  
ton, trustee of  
Charles Whar-  
ton, authorized  
to sell real estate.

SECTION 3. That William Wharton, trustee of Charles Wharton, of the city of Philadelphia, be and he hereby is fully authorized and empowered to grant and convey upon ground rent the whole, or any part of the real estate held by the said William Wharton, in trust, for the said Charles Wharton, which the said Charles Wharton derived under the will of his father; the said ground rents so to be reserved to be held by the said trustee, for the uses, purposes and intents which are declared and expressed in the will of Charles Wharton, deceased, respecting the said estates which the said trustee is hereby authorized to sell and convey: *Provided*, That before this act shall become operative, the said trustee shall give security, to be approved by the orphans' court of the city and county of Philadelphia, for the faithful execution of the trust hereby created.

Proviso.

Preamble.

WHEREAS, Richard Oakford and Ann, his wife, by their indenture, dated the sixteenth day of September, Anno Domini one thousand eight hundred and thirty-four, did grant and convey to the said Sarah Bonsall a certain messuage or tenement and lot of land, situated in the township of Darby, in the county of Delaware, as is described in said indenture, duly recorded, to have and to hold to the said Sarah Bonsall, in trust, for the sole and separate use of the said Eliza Evans Pearson, her heirs and assigns, to and for the only sole and separate use, and benefit and behoof of the said Eliza Evans Pearson, her heirs and assigns forever; subject, however, to the redemption of a mortgage of one thousand dollars, which said mortgage is recorded in the recorder's office for Delaware county, in book T, page 66, et cetera:

*And whereas*, It is believed that it will be greatly for the interest of the said Eliza Evans Pearson, and for all parties interested, that the said real estate should be sold, freed and discharged from said trust, and the purchase money, or the residue thereof, after payment of said mortgage, invested at interest on good security; therefore,

Sarah Bonsall,  
trustee of Eliza  
Evans Pearson,  
to sell real estate.

SECTION 4. That Sarah Bonsall, trustee of Eliza Evans Pearson, is hereby authorized and empowered to sell, at public or private sale, the real estate above described, and execute, make and deliver to the purchaser or purchasers thereof, a deed or indenture, conveying the same in fee simple, freed and discharged from all and every the said trust, and the proceeds of sale, or the residue thereof, after payment of said mortgage and interest thereof, to be held in trust by the said Sarah Bonsall, and to be by her placed and kept at interest, by loan or loans, secured by mortgage or mortgages, judgments or judgments, on good

real estate security, and the said proceeds of sale to be held by said trustee, for the same uses and trusts, as the real estate is now held: *Investment of proceeds of sale.*  
*Provided,* That before this section shall become operative, the said trustee shall give security, to be approved by the orphans' court of Delaware county, for the faithful execution of the trust hereby created. *Proviso.*

SECTION 5. That from and after the passage of this act, it shall and may be lawful for Thomas Walker, Joseph Cunningham, John Bar-clay, John Taylor and Hugh M. Speedy to demand, sue for, receive and receipt for a certain legacy left by the last will and testament of John Montgomery, late of Conemaugh township, Indiana county, deceased, to and for the use of the congregation of Ebenezer church, in said county of Indiana, and apply the same as directed by said will. *Relief of Ebenezer Church, Indiana county, under the will of John Montgomery.*

SECTION 6. That the president and directors of Ebenezer Sabbath school library be and are hereby authorized and required to collect, by law, the moneys left by the last will and testament of the above named John Montgomery, for the benefit and use of said Sabbath school library, and apply the same as directed by said will. *Ebenezer Sabbath school library, authorized to collect certain moneys under the will of said deceased.*

SECTION 7. That William Shuman, the younger, committee of the person and estate of William Shuman, the elder, of the county of Northampton, is hereby authorized and empowered to sell and convey, at private or public sale, the undivided half of a certain lot or piece of timber land in the township of Forks, in said county, containing eleven acres and one hundred and six perches, or thereabouts, the property of the said William Shuman, the elder, and fully and absolutely to grant, convey and assure all the estate of the said William Shuman, the elder, in said premises, in fee simple or otherwise, and to receive and hold the purchase money therefor, and account for the same as the committee of the said William Shuman, the elder: *Wm. Shuman, committee of Wm. Shuman, authorized to sell and convey real estate.* *Proviso.* Said committee shall give such additional security as the court of common pleas of Northampton county may deem necessary, before making the sale hereby authorized.

SECTION 8. That a certain indenture of bargain and sale made and executed by Jacob Kurtz, Richard R. Heitler and George Reed, as trustees, under a domestic attachment against John Levering to James Eley; and another bearing date the twentieth day of April, one thousand eight hundred and forty one, conveying the estate and title of the said John Levering in and to a certain tract of land in Tobihanna township, Monroe county, Pennsylvania, containing four hundred and six acres and allowance, and founded upon a private sale, shall be deemed and taken to be as good and valid to pass the title of the said John Levering, as though the sale, upon which the said deed is founded, had been a public sale by the said trustees, after the due and legal notice thereof. *Title of land of John Levering, confirmed in James Eley.*

SECTION 9. That the orphans' court of Dauphin county may, on settlement of his account, dismiss John C. Bucher, administrator with the will annexed, of Robert Porterfield, deceased, from the duties of his appointment, and grant letters of administration with the will annexed of the said Robert Porterfield, to Christian B. Henry, who intermarried with the widow and surviving executrix of said Robert Porterfield, on his giving security, to be approved of by said court. *Orphans' court of Dauphin county, may dismiss J. C. Bucher, administrator &c. of R. Porterfield, and appoint C. B. Henry.*

SECTION 10. That John Maurer and George Snyder, guardians of the minor children of George Hornberger, of Coal township, Northumberland county, deceased, be and they are hereby authorized and empowered to sell and dispose of, and make good and perfect titles to all the lands, tenements and hereditaments situate in Coal township, in Northumberland county, in the state of Pennsylvania, whereof the said George Hornberger died seized, or the titles to which were vested in *Guardians of minor children of George Hornberger, authorized to sell real estate.*

Proviso.

him at the time of his decease, as fully and effectually, to all intents and purposes, as they could do if he were living: *Provided*, That before making such sale or sales, as aforesaid, the said guardians shall give a bond in such sum and with such surety as the orphans' court of said county shall order and direct, for the faithful execution of the powers conferred upon them by this section, and for the faithful re-investment of the proceeds of such sale or sales.

The administrator of Asher Minor, authorized to sell real estate and perfect title.

SECTION 11. That Thomas W. Minor, surviving administrator of the estate of Asher Minor, deceased, be and he is hereby authorized, with the concurrence and under the advisement of the orphans' court of Luzerne county, to sell and convey such portions of the estate as remains undisposed of, and to perfect title to property agreed to be sold in one thousand eight hundred and forty-five, by the then three surviving administrators, so far as he may deem necessary for the payment of any debts due, and the final settlement of said estate.

Preamble.

WHEREAS, Nancy Summerville, deceased, of Mifflin county, did in her life time, by her certain last will and testament, dated the fourth day of February, Anno Domini one thousand eight hundred and forty three, devise certain real estate to her son, Thomas R. Summerville, consisting of the western half of the half lot of ground in the borough of Lewistown, Mifflin county, occupied by the said Nancy Summerville in her life time, adjoining property bequeathed by the said Nancy Summerville to Nancy M'Curdy and James Summerville, said half of said half lot being fifteen feet in front on Third street, in said borough, and two hundred feet deep to an alley, for and during the time of the natural life of the said Thomas and Eliza, his wife, with remainder over their heirs and legal representatives forever:

*And whereas*, The said property is now unproductive and going to decay, and the heirs of said Thomas are all young; therefore,

Thomas Summerville, authorized to sell real estate.  
Proviso.

SECTION 12. That the aforesaid Thomas Summerville shall have authority to sell and convey the aforesaid property, in fee simple, to such purchaser or purchasers, and upon such terms as shall be most advantageous to him and his heirs, in as full a manner as if said property had been devised to him in fee simple: *Provided*, That before this section shall become operative, the said Thomas Summerville shall give security, to be approved by the orphans' court of Mifflin county, for the faithful application of the proceeds of the sale authorized by this act.

WILLIAM F. PACKER,  
*Speaker of the House of Representatives.*

WM. WILLIAMSON,  
*Speaker of the Senate.*

APPROVED—The twenty-ninth day of March, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.



## No. 236.

## A SUPPLEMENT

To an act, entitled "An Act to perfect the title to certain real estate in Adams county, heretofore conveyed by Alexander Mack to certain of his creditors."

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* John B. M'Pherson be and he is hereby authorized to make, execute and deliver a deed or deeds of conveyance, for the lands and premises mentioned in the act to which this is a supplement, to the administrator de bonis non of Martin Newman, deceased, duly qualified, and acting as such at the time of such conveyance, or to the purchaser of the said lands and premises at sheriff's sale, should the same, at any time before such conveyance, be sold by the sheriff of the county of Adams, by virtue of any execution, founded on any judgments which may be entered of record in said county, against the estate of said Martin Newman, deceased, upon payment to him of the balance of unpaid purchase money, in the said act and the preamble thereto mentioned and described, by the said acting administrator de bonis non of the said Martin Newman, deceased, or the vendee of the sheriff, as the case may be, but subject in all other respects to the provisions contained in the original act.

WILLIAM F. PACKER,  
*Speaker of the House of Representatives.*

WM. WILLIAMSON,  
*Speaker of the Senate.*

APPROVED—The twenty-ninth day of March, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

## No. 237.

## AN ACT

To authorize the Baltimore and Philadelphia steamboat company, to purchase certain real estate in the city of Philadelphia.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* the Baltimore and Philadelphia steamboat company be and they are

hereby authorized to purchase and hold, in the city or county of Philadelphia, such quantity of land on the river Delaware, not exceeding in the whole one hundred and twenty feet front on the river Delaware, and one hundred and fifty feet in depth, westward from low water mark, as may be required for the convenient transaction of their business, as authorized by their present charter from the state of Maryland, and the same to dispose of by sale, mortgage, demise or otherwise; any law, usage or custom to the contrary thereof, in any wise, notwithstanding.

WILLIAM F. PACKER,  
*Speaker of the House of Representatives.*

WM. WILLIAMSON,  
*Speaker of the Senate.*

APPROVED—The thirtieth day of March, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

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No. 238.

### AN ACT

To confer on Stanton Black, Jane Black and Matthew Black, all the rights and privileges of children born in lawful wedlock.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That Stanton Black, Jane Black and Matthew Black, children of William J. Black and Mary Bricker, of Hempfield township, in the county of Westmoreland, shall have and enjoy all the rights and privileges of children born in lawful wedlock, and shall be able and capable in law to inherit and transmit any estate whatsoever, as fully and effectually as if they had been born in lawful wedlock.*

WILLIAM F. PACKER,  
*Speaker of the House of Representatives.*

WM. WILLIAMSON,  
*Speaker of the Senate.*

APPROVED—The thirtieth day of March, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

No. 239.

## AN ACT

Authorizing Miner S. Blackman, trustee of Eleazer Blackman, junior, and Mary Nesbitt, to make and convey title to certain real estate in Luzerne county.

WHEREAS, Eleazer Blackman, senior, late of Luzerne county, deceased, died, leaving a will devising a portion of his real estate to Eleazer Blackman, junior, his son, and another portion to Edward Jones, in trust for the said Eleazer Blackman, junior: Preamble.

*And whereas,* The said trustee is since deceased, and Miner S. Blackman hath been appointed by the court of common pleas or orphans' court of Luzerne county, a trustee in his stead:

*And whereas,* The said Eleazer Blackman, junior, is represented to be non compos mentis, incompetent to sell and convey his estate, and that the same, for his interest and maintenance, has been contracted to Walter Mead, of New York, for a good consideration, but that no provision is made by them for vesting in him a legal title to the said estate; therefore,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the said Miner S. Blackman, a trustee of the said Eleazer Blackman, junior, is hereby authorized and empowered to sell and convey, by good and sufficient deed, to Walter Mead and his heirs and assigns, all the estate of the said devisee, devised by or through the will of his father, and to receive such securities for the purchase money as may be deemed proper; such conveyance to be held and adjudged good and valid in the law to pass the legal title to the said purchaser: *Provided* Trustee empowered to sell and convey. *however,* That the said trustee first give bond, with good and sufficient surety, approved by and filed in the court of common pleas of Luzerne county, conditioned for the faithful and legal appropriation and use of the proceeds of said sale, over the settlement of whose accounts of said proceeds the said court are hereby vested with jurisdiction. Proviso.

SECTION 2. That Mary Nesbitt, guardian of Abraham Nesbitt, a minor son of James Nesbitt, deceased, late of Luzerne county, is hereby authorized and empowered to sell at private sale, the undivided half belonging to said minor, in the lands hereafter described, which sale or sales shall be reported to the orphans' court of said county, and shall be subject to their approbation or rejection; and the report shall be accompanied with bond and sufficient sureties, conditioned for a faithful appropriation and account of the proceeds of such sale, and for the payment over to the said minor of the one-third, to be retained by the said Mary during her life, as her dower in the same, with interest from her death, the said Mary being the widow of the said James Nesbitt, deceased; the said lands are situate in said county, the first being situate in the township of Providence, and being that part of a tract of land, conveyed to the said James Nesbitt by Thomas Meyers, sheriff of said county, by deed, dated sixteenth August, A. D. one thousand eight hundred and thirty-eight, of which the said James Nesbitt died seized, containing about three hundred and three acres, and which said deed is recorded in the office for recording of deeds, et

*Mary Nesbitt, guardian of Abraham Nesbitt, authorized to sell.*

cetera, in said county, in deed book number forty-five, page five hundred and eighty-eight, the other piece being now in the township of Scott, formerly Greenfield, and being the same which Thomas Meyers, sheriff of said county, by deed, dated the eighth day of August, Anno Domini one thousand eight hundred and thirty-seven, conveyed to the said James Nesbitt, deceased, containing about two hundred and seventy-six acres, and which said deed is recorded in the office aforesaid, in deed book number forty-five, page five hundred and eighty-seven.

WILLIAM F. PACKER,  
*Speaker of the House of Representatives.*

WM. WILLIAMSON,  
*Speaker of the Senate.*

APPROVED—The thirtieth day of March, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

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No. 240.

## AN ACT

To authorize the administrators of John Farr, deceased, to convey certain real estate.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That Mary J. Farr, administratrix, and Samuel N. Davies, administrator of John Farr, deceased, be and they are hereby authorized and directed to execute a deed of conveyance of the share of the said decedent, in the real estate belonging to the late firm of Farr, Powers and Weightman, to the surviving partners, Thomas H. Powers and William Weightman, in fee simple, for the price and upon the terms set forth in certain articles of agreement between the said partners, bearing date the thirteenth day of May, one thousand eight hundred and forty-six, and to receive from the said grantees a mortgage of the said share, in the said real estate, to the said administrators, in fee simple for the said purchase money, upon the terms, conditions and stipulations contained in the said articles of agreement, in trust for the use of the persons entitled to the same; and should it be considered desirable to include the amount of the apparatus in actual use in the amount of the said mortgage, on the said real estate, then it may be so done; and the said administrators in such case shall be authorized to execute a deed of conveyance, of such apparatus, to the said surviving partners: Provided, That the said deeds and mortgage shall be executed under the direction and with the approbation of the orphans' court of the county of Philadelphia, which court is hereby authorized to enforce a performance of*

the provisions and stipulations of the said articles of agreement, according to their true intent and meaning.

WILLIAM F. PACKER,  
*Speaker of the House of Representatives.*

WM. WILLIAMSON,  
*Speaker of the Senate.*

APPROVED—The thirtieth day of March, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

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No. 241.

### SUPPLEMENT

To the act, entitled “An Act authorizing the governor to incorporate a company to erect a bridge over the Mahoning creek, Armstrong county, and for other purposes.”

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That the period limited for the construction of a bridge over Mahoning creek, by the seventeenth section of the act to which this is a supplement, passed the fifteenth day of April, one thousand eight hundred and forty-one, is hereby extended for five years from the passage of this act; and the said company shall be entitled to all the rights and privileges conferred by the act to which this is a supplement, in the same manner as if the said bridge had been commenced and completed within the time limited by the said act.*

WILLIAM F. PACKER,  
*Speaker of the House of Representatives.*

WM. WILLIAMSON,  
*Speaker of the Senate.*

APPROVED—The thirtieth day of March, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

No. 242.

## AN ACT

To authorize two of the elders of the Menonist congregation, in the township of Conestoga, in the county of Lancaster, to sell and convey certain real estate.

**SECTION 1.** *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That Jacob Brenneman and Henry Curley, elders of the Menonist congregation, in the township of Conestoga, in the county of Lancaster, and their successors in office, be and they are hereby authorized and empowered to sell, by private sale, and convey the same by deed of conveyance, in fee simple, to the purchaser thereof, a certain lot or piece of ground, situate in Conestoga township, in the county of Lancaster, conveyed to Charles Christopher and Jacob Bean, elders of the Menonist congregation, in the township of Conestoga, county of Lancaster, in trust for the use of said congregation and their successors, by Samuel Byers and Mary Byers, his wife, by deed of the tenth day of December, one thousand seven hundred and seventy-five, recorded in the recorder's office of Lancaster county, in book D, at page 408, et cetera, on which an old meeting house or house of worship now stands, adjoining lands of Benjamin Bear and others, containing one acre, be it more or less; and to apply the proceeds of said sale to the purchase of another lot of ground in said township of Conestoga, and to the erection of a new meeting house or house of worship thereon, for the use of said congregation: *Provided*, Before such sale shall take effect, the said Jacob Brenneman and Henry Curley shall give security, to be approved by the court of common pleas of Lancaster county, for the faithful application of the proceeds of the sale authorized by this act.*

WILLIAM F. PACKER,  
*Speaker of the House of Representatives.*

WM. WILLIAMSON,  
*Speaker of the Senate.*

APPROVED—The thirtieth day of March, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

## No. 243.

## A SUPPLEMENT

To the act, entitled "An Act to incorporate the rector, church wardens and vestrymen of the Protestant Episcopal church of Saint John, at Yorktown, in the county of York, in the commonwealth of Pennsylvania," passed the twentieth day of September, Anno Domini one thousand seven hundred and eighty-seven.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the Protestant Episcopal church of Saint John, at Yorktown, in the county of York, in the commonwealth of Pennsylvania, shall be taken and considered as a member of and belonging to the Protestant Episcopal church in the state of Pennsylvania, and the Protestant Episcopal church in the United States of America, and as such acceding to, recognizing and adopting the constitution, canons, doctrine, discipline and worship of the Protestant Episcopal church of the state of Pennsylvania, and of the Protestant Episcopal church in the United States of America, and acknowledging their authority accordingly; any member of said church or corporation disclaiming or refusing conformity to the said authority, shall cease to be a member of the said corporation, and shall not be elected a vestryman, nor vote in the election for vestrymen, or exercise any office or function in, concerning or connected with the said church or corporation.

St. John's church at York to be a member of the Protestant Episcopal church of Pennsylvania.

SECTION 2. The said corporation shall not by deed, fine or recovery, or by any other means, without the assent of the convention of the Protestant Episcopal church in the commonwealth of Pennsylvania, or of the standing committee of the diocese previously had and obtained, grant, alien or otherwise dispose of any lands, messuages, tenements or hereditaments in them vested, nor charge, nor encumber the same to any person or persons whatever.

Not to sell land without the assent of the church of Pennsylvania.

SECTION 3. The rector of this church shall be elected by the church wardens and vestrymen, in such manner as the statutes and by-laws shall direct; the vestry of said church shall consist of ten persons, members of the said church, who shall continue in office for one year, and until others be chosen; and the election of such vestry shall be made every year on Easter Monday, by a majority of such male members of said church as shall appear by the vestry books, to have paid two successive years immediately preceding the time of such election, for a pew or sitting in said church: *Provided*, That in case of the failure to elect vestrymen on Easter Monday as aforesaid, the corporation shall not on that account be dissolved, but the election shall be holden on some other day, in such manner as the by-laws may prescribe.

Election of rector.

Vestry.

Proviso.

SECTION 4. No person shall be rector or assistant minister of this church, or shall be allowed to officiate therein, unless he shall have had episcopal ordination, and unless he be in full and regular standing with the Protestant Episcopal church in the commonwealth of Pennsylvania, and of the United States of America, and recognized as such by the bishop of the Protestant Episcopal church within whose diocese

Who may be rector or minister.

this church is, or at any time may be, or in case of a vacancy in the episcopacy, the standing committee of said diocese.

**SECTION 5.** The said vestry shall have power to choose their own officers; and they shall annually, at their first meeting after their election, choose one of their own number to be one church warden, and the rector for the time being, shall elect another of the said vestrymen to be the other church warden of the said church. In case of a vacancy in the office of rector at the time of the election, the other church warden shall also be chosen by the vestry, to remain in office until the election of a rector, or a new election of a vestry for said church; and during a vacancy in the rectorship, the church wardens and vestrymen for the time being, shall have the same powers and authorities, relating to the disposition of the rents of the said corporation, as are hereby vested in the rector, church wardens and vestrymen: *Provided always*, That it shall be the duty of the said church wardens and vestry to elect another rector, to supply the vacancy as soon as possible.

**SECTION 6.** That in case of the dissolution of this corporation, all the estate, of every description whatsoever, vested in said corporation up to the period of the dissolution, shall then vest in the society of the Protestant Episcopal church, for the advancement of christianity in the state of Pennsylvania, to be held in trust, by the said society, for the use and benefit of a future congregation of the Protestant Episcopal church in the borough of York, or in the vicinity thereof, in the county of York, and state of Pennsylvania.

**SECTION 7.** That all provisions of the original act of incorporation as are altered or supplied by this act, are hereby repealed.

WILLIAM F. PACKER,

*Speaker of the House of Representatives.*

WM. WILLIAMSON,

*Speaker of the Senate.*

APPROVED—The thirtieth day of March, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

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No. 244.

## AN ACT

Supplementary to an act, entitled “An Act authorizing the governor to incorporate the Manor turnpike road company,” passed March thirteenth, one thousand eight hundred and thirty-nine.

**SECTION 1.** *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That all the provisions of the act, entitled “An Act authorizing the governor to incorporate the Manor turnpike road company,” passed the thirteenth day of March, Anno Domini one thousand eight hundred and*



thirty-nine, except such as are hereinafter altered and supplied by the provisions of this act, shall be and the same are hereby revived and re-enacted: *Provided*, The said work be commenced within two years, and shall be completed within four years from the passage of this act.

SECTION 2. That the point of commencement of said turnpike road shall be where Manor street intersects West King street, in the city of Lancaster, and shall extend along the Manor road through the village of Millerstown, by the main and public road, to Jacob Christ's cooper shop, where the Conestoga road intersects the same; and the president and managers of the said corporation, at any time after the completion of the road as aforesaid, upon the recommendation of a general meeting of the stockholders to that effect, may and they are hereby authorized and empowered to extend, construct and complete as a turnpike road, with like powers and effect, so much of the public road as lies between the public house of Abraham Peters, in the village of Millerstown, and the Lake mill on the Little Conestoga creek; and when such continuation of the road shall be completed, the said president and managers are hereby empowered to erect toll gates, and collect the same rate of tolls as is prescribed and provided for in this act, and the act to which this is a supplement, for traveling on the same.

SECTION 3. That the following named persons, or any of them and none others, are hereby appointed commissioners, to wit: Abraham Peters, Jacob Shenk, Barton B. Martin, John Herr, (saw-miller) Jacob Bausman, John Lintner, (merchant) Christopher Hager, George M. Steinman, George Ford, Israel Carpenter and Jacob Peters, who shall do and perform all and several the duties required by the act to which this is a supplement.

SECTION 4. The president and managers of the said corporation are hereby authorized and empowered to erect such toll gates as are necessary at such places, along said road, either in Manor street or elsewhere, for the proper collection of tolls, according to the provisions of the act to which this is a supplement; and they may, at their discretion, increase the width of said road to any extent not exceeding sixty feet.

SECTION 5. That so much of the act to which this is a supplement, as is inconsistent with this act, or as is altered and supplied hereby, shall be and the same is hereby repealed.

WILLIAM F. PACKER,  
*Speaker of the House of Representatives.*

WM. WILLIAMSON,  
*Speaker of the Senate.*

APPROVED—The thirtieth day of March, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

No. 245.

## AN ACT

Providing for the appointment of a trustee in the room of John Kerlin, of Philadelphia county, deceased, and to appoint an additional trustee for the Union meeting house, in Centre county.

Preamble.

WHEREAS, Henry Martin, of the county of Philadelphia, by deed, dated the twenty-fifth day of July, Anno Domini one thousand eight hundred and thirty-eight, granted and conveyed to John Kerlin, of the same place, one undivided third part of a certain lot of land, situate in the township of Moyamensing and county of Philadelphia, in fee simple:

*And whereas*, Daniel Mann, of the city of Philadelphia, by deed, dated the twelfth day of December, Anno Domini one thousand eight hundred and thirty-eight, granted and conveyed to the said John Kerlin, one undivided third part of two certain other lots of land, situate in the township and county aforesaid, in fee simple:

*And whereas*, Daniel Fitler, high sheriff of the aforesaid county, by deed poll, dated the sixth day of July, Anno Domini one thousand eight hundred and thirty-nine, granted and conveyed to the said John Kerlin, one undivided third part of two certain other lots of land, situate in the township and county aforesaid, in fee simple:

*And whereas*, The said John Kerlin did, by his declaration in writing, under his hand, acknowledge that he had purchased the same lots of land and premises, with the proper moneys of his cestui que trusts, and that he held the same in trust, to and for certain uses in their favor, therein assessed:

*And whereas*, The said John Kerlin hath since departed this life, whereby the said trust has become vacant:

*And whereas*, The parties interested as cestui que trusts, are advised by their counsel, that by reason of the omission of the words, "heirs, executors, administrators or assigns," in the said declaration of trust, the existing laws of this state providing for the filling of vacancies occasioned by the death of trustees, do not apply to this case, and that the said cestui que trusts are without remedy, except by the interposition of the legislature:

*And whereas*, All the parties interested in said lots of ground and premises, desire and request that the vacancy in said trust be supplied by the appointment of Augustus De Kalb Tarr, of the city of Philadelphia, attorney at law; therefore,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same*, That Augustus De Kalb Tarr, of the city of Philadelphia, be and he is appointed trustee in the place and stead of John Kerlin, deceased, with all the same and every power and authority as trustee in the premises, as if the said conveyances in the preamble hereto set forth and described, were originally made to him instead of the said John Kerlin: *Provided nevertheless*, That if the said trusts shall become vacant by death or otherwise, the cestui que trusts, their heirs, executors, administrators or assigns, shall and may, and they are hereby authorized to appoint

Augustus De  
Kalb Tarr, ap-  
pointed trustee in  
place of John  
Kerlin, deceased.

another suitable person to fill such vacancy, who (when so appointed) shall have and enjoy all the same and every power, privilege and authority, as trustee in the premises, as if originally made to him instead of the aforesaid Augustus De Kalb Tarr :

*Whereas*, William Paxton and Jane, his wife, by their deed, dated December eighth, Anno Domini one thousand eight hundred and twenty-four, recorded in the office for the recording of deeds in and for Centre county, book G, page three hundred and ninety-nine, conveyed to James Alexander, Eli Cadwallader and Casper Peters, and to the survivors and survivor of them, a lot of land containing one hundred and thirty-six perches, neat measure, in trust for the erection of a house for public worship, to be opened to all denominations of professing christians : Preamble.

*And whereas*, One of the said trustees, Eli Cadwallader, removed shortly after he accepted said trust, from this commonwealth, and cannot discharge the duties of said trust ; therefore,

That the court of common pleas of Centre county, be and they are hereby authorized to appoint a trustee in the place and room of the said Eli Cadwallader, which trustee, so appointed, shall enjoy all the powers his co-trustees have in the premises, of and in pursuance of the said deed of trust. Court of common pleas of Centre county to appoint a trustee.

WILLIAM F. PACKER,  
*Speaker of the House of Representatives.*

WM. WILLIAMSON,  
*Speaker of the Senate.*

APPROVED—The thirtieth day of March, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

No. 246.

## A N A C T

To authorize William G. Hawkins, administrator, to sell certain real estate.

*WHEREAS*, Aaron Whitaker, late of Allegheny county, deceased, purchased about eight hundred acres of land in Armstrong county, and erected a furnace thereon, commonly known by the name of the American furnace; Preamble.

*And whereas*, By articles of co-partnership, dated the twenty-fourth of April, one thousand eight hundred forty-seven, he sold two-thirds of said establishment to George Ledlie and John Janison, with whom he entered into articles of association as partners:

*And whereas*, Said partnership has been dissolved by the death of said Whitaker ; therefore,

**SECTION 1.** *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That Administrator or William G. Hawkins, of Allegheny county, administrator of Aaron Whitaker, deceased, be and he is hereby authorized to sell at public or convey.

Proviso.

Proviso.

Proviso.

private sale, and convey all the estate, right, title and interest, which the said Whitaker had at the time of his decease, of, in or to a tract or body of land, containing about eight hundred acres, with the furnace and fixtures, buildings and all other property belonging or attached to said establishment, situated in Madison township, Armstrong county, fronting in part on the Allegheny river, upon such terms and conditions as in his opinion will best comport with the interest of the estate: *Provided*, That before the execution of a deed, such sale shall be approved by the widow and guardian of the minor children of said Aaron Whitaker, deceased, to be certified and filed in the orphans' court of Allegheny county: *And provided also*, That the said administrator shall, before the execution of a deed, file a bond, with approved security, in the orphans' court of Allegheny county, conditioned for the faithful application of the money arising from said sale: *Provided further*, That public notice of the time and place of sale, shall be given in at least one newspaper published in Armstrong county, for four successive weeks, the last thereof to be thirty days before the day of sale.

WILLIAM F. PACKER,

*Speaker of the House of Representatives.*

WM. WILLIAMSON,

*Speaker of the Senate.*

APPROVED—The thirtieth day of March, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

## No. 247.

## A N A C T

To authorize the Bald Eagle and Spring Creek navigation company to increase the tolls for the purpose of making extraordinary repairs.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same*, That in addition to the toll which the Bald Eagle and Spring Creek navigation company are now authorized to levy, for the purpose of making extraordinary repairs, damages and incidental expenses, the said company be and they are hereby authorized to increase the toll on said navigation, a sum not exceeding fifty per cent. for the same purposes; and the said company shall annually report to the legislature the manner in which the same has been expended.

WILLIAM F. PACKER,

*Speaker of the House of Representatives.*

WM. WILLIAMSON,

*Speaker of the Senate.*

APPROVED—The thirtieth day of March, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

No. 248.

## AN ACT

To authorize the trustees of the Second Presbyterian church, in the city of Philadelphia, to sell certain real estate.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the trustees of the Second Presbyterian church, in the city of Philadelphia, be and they are hereby authorized to sell and convey a certain lot of ground, with the buildings thereon, to them belonging, situate in the city of Philadelphia, on the south side of Cherry street, beginning at the distance of forty-nine and a half feet westward from the westside of Delaware Fifth street, and containing in front fifty-three feet, and in depth fifty-nine feet: *Provided,* That before the said trustees shall make and deliver a deed or deeds for the said real estate, to the purchaser or purchasers thereof, they shall first give security, by bond or recognizance, to the commonwealth, in such manner and amount as the court of common pleas of Philadelphia county shall approve, for the faithful application of the proceeds of the sale of said real estate. Power to sell.  
Proviso.

WILLIAM F. PACKER,  
*Speaker of the House of Representatives.*

WM. WILLIAMSON,  
*Speaker of the Senate.*

APPROVED—The thirtieth day of March, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

No. 249.

## AN ACT

To incorporate the village of West Elizabeth, in the county of Allegheny, into a borough.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That from and after the passage of this act, the town of West Elizabeth, Jefferson township, Allegheny county, Pennsylvania, described within the following limits, to wit: commencing at a stake at low water mark in the Monongahela river, below and north of said town, north thirty-eight and one-half degrees west twenty-one perches to a white walnut; thence Boundaries.

forty-five and one-fourth degrees west seventy-six perches to a post; south fifty-five and one-half degrees west fifty-four and one-half perches to a hickory; thence south sixty-eight and one half degrees west fifty-nine perches to a locust; thence south fifty-six degrees west one hundred and two perches to Washington Parkinson's line; thence south fifty-one degrees east ninety-eight perches to a post, at low water mark on the Monongahela river; thence down said river north forty-one degrees east two hundred and seventy-three perches and one-half to the beginning of the survey, is hereby erected into a borough, which shall be called and styled the borough of West Elizabeth.

Style.

Annual election  
for officers.

Town council  
and other officers.

Proviso.

President of  
council.

Annual meeting  
of burgess and  
council.

Quorum.

SECTION 2. That the inhabitants of said borough entitled to vote for members of the general assembly, having a bona fide residence of at least thirty days immediately preceding the election, shall, on third Friday of April next, and annually thereafter on the same day which now or may be hereafter fixed by law for the election of constables and other township officers within this commonwealth, meet at the school house in said borough, and then and there, between the hours of twelve M., and seven o'clock, P. M., elect by ballot, one of the citizens of said borough, to be styled burgess, and five other citizens, to be styled the town council, one street commissioner, at the first election after the passage of this act, one justice of the peace, and afterwards two justices of the peace, six school directors, two to serve one year, two two years, and two three years, and thereafter two annually, and one person to be constable of said borough, whose name shall be returned to the next court of quarter sessions for the like purposes as in the election of township constables; the said inhabitants shall also, at the same time and place, elect one judge, two inspectors of election, and assessors, all of whom shall be residents of said borough, agreeably to the laws of this commonwealth; the said elections shall be conducted in the same manner as is provided for in the election of township officers of this commonwealth, except that the certificates of election of burgess shall be filed among the records of the corporation, and duplicate certificates of said election shall be signed by the judge, one of which shall be transmitted to each of the persons elected: *Provided*, That the first election to be held under this act, shall be held by one judge, one inspector and one clerk, who shall be chosen by a majority of citizens present at the said school house, on said third Friday of April after the passage of this act, at twelve o'clock M.; and said judge and inspector shall be sworn or affirmed in the manner as is provided by law for the swearing or affirming election officers, and they shall perform the duties required of them by law, relative to township elections; and the constable of the township of Jefferson, Allegheny county, is hereby required to attend at the said school house, on the said third Friday of April next, at twelve o'clock, for that purpose, and to give at least ten days' notice thereof, in at least three places in said borough.

SECTION 3. That the burgess shall be president of the council at its several meetings; he shall only have power at said meetings to preserve and enforce order, and shall not have the privilege of voting.

SECTION 4. That the burgess and town council shall meet on the first Monday of April next succeeding their election, in each year, and as often thereafter as occasion may require; four members shall constitute a quorum to do business, and the proceedings of a majority of a quorum, when there is one formed, shall be valid; they shall have power, in the absence of the burgess, to elect a president pro tempore, who shall, in the case of the death, resignation, refusal to accept or to act, or inability of the burgess to attend, perform all and every duty enjoined on the burgess; in his absence, the president pro tem. shall have power

to call special meetings of the council, but in all cases of special meetings personal notice shall be given to each member, unless absent from the borough; the burgess and town council shall, in all cases, continue to hold their respective offices until their successors shall be duly elected and qualified: *Provided*, That the burgess and town council elected in April next, shall hold their first meeting on the first Monday of May. Proviso.

SECTION 5. That if any person duly elected burgess or a member of the town council, and having received notice thereof, as directed by this act, shall refuse or neglect to take upon himself the execution of the office to which he shall have been elected, or having taken upon himself such duties, shall neglect to discharge the same according to law, every such person so refusing or neglecting, shall, for every such offence, pay and forfeit the sum of five dollars; and every other officer elected and appointed by virtue of this act, or the by laws or ordinances of the town council aforesaid, who shall refuse or neglect to take upon himself the execution of such office, or having accepted the same, shall refuse or neglect to perform the duties thereof, shall, for every such refusal or neglect, pay a fine not exceeding five dollars, at the discretion of the burgess, which fines, and all other fines that may be incurred under this act, or any of the by-laws or ordinances of the town council, shall be for the use of said borough, and shall be recovered in the name of the burgess and town council of the borough of West Elizabeth, as debts of like amount are recoverable by law: *Provided*, That no person or persons shall be compelled to serve more than one year in any term of three years; and the payment of a fine shall be equivalent to a service of one year in any office: *And provided further*, That nothing herein contained shall be construed to exonerate any constable or other officer from the payment of any fine or penalty imposed by the existing laws, or that may hereafter be enacted for refusing to serve in such office. Penalty for refusing to accept office.

SECTION 6. The burgess shall take and subscribe an oath or affirmation, before one of the judges of the court of common pleas, or before a justice of the peace in said county of Allegheny, to support the constitution of the United States and of the state of Pennsylvania, and to execute the office of burgess of West Elizabeth with fidelity; and when so qualified, he shall administer an oath to each of the members of the town council, high constable, town clerk, clerk of the market, if one shall be appointed, and such other officers as shall be appointed or elected under this act, or any by-law or ordinance of said borough, before they shall enter upon the duties of their respective offices; which oath or affirmation so taken and subscribed, shall be filed among the records of the corporation. Proviso. Proviso. Qualification of burgess.

SECTION 7. That from and after the first Monday in April, the burgess and town council duly elected, and their successors, shall be one body politic and corporate, by the name and style of the burgess and town council of the borough of West Elizabeth, and shall have perpetual succession, and shall be capable in law to have, receive, hold and possess goods and chattels, lands and tenements, rents, liberties, jurisdictions, franchises and hereditaments, to them and their successors in fee simple, or otherwise, not exceeding the yearly value of five thousand dollars; and also to grant, sell, let and assign the same; and shall be capable in law to sue and be sued, plead and be impleaded in any of the courts of law in this commonwealth, in all manner of actions whatever, and to have and use one common seal, and the same from time to time, at their will, to change and alter. To administer oaths to council and other officers.

SECTION 8. That the town council shall have power to pass and enact by-laws, rules, regulations and ordinances, as they may deem necessary, to promote the peace and good order, and general welfare of the borough. Corporate body. Style. Privileges. Enact by-laws for the regulation of the borough.

the inhabitants and well being of said borough, and for the purposes of improving and keeping in good order the side-walks, streets, lanes, alleys, common grounds and other property whatsoever, that has heretofore been granted to the use of the citizens of West Elizabeth, or that may hereafter be granted to the use of the corporation, and for removing nuisances or obstructions therefrom, and the same to alter, make, renew or annul, as the occasion may require; and also assess, levy, collect and appropriate such taxes as shall be necessary to carry their rules and ordinances into effect, which said taxes shall not exceed in any one year, four mills on the dollar; they shall have authority to obtain materials for improving the streets, lanes or alleys, and public grounds, and order and direct the manner and ways in which the same shall be improved, repaired and kept in good order; they shall annually appoint a town clerk, treasurer, collector of taxes, coal measurer, clerk of the market, when necessary, and such other officers as they may deem expedient, and the same to remove at pleasure; the officers to be appointed by the town council, shall be allowed such compensation as the council may fix and agree upon; but the members of the council themselves shall not receive any compensation for their services, as members of the council; the council may remit any fines or penalties that may be incurred by and under this act, or any of the by-laws or ordinances, when in their judgment it may be proper so to do: *Provided*, No by-law, rule, regulation or ordinance of said corporation, shall be repugnant to the constitution and laws of the United States or of this commonwealth; and that no person shall be subjected to any fine or punishment, for a violation of any by-law or ordinance of said borough, until after six days shall have expired after the promulgation thereof, by at least four copies of the same being put up at the most public places within the said borough, and signed by the president or president pro tem., and attested by the town clerk; it shall be the duty of the burgess to cause all the by-laws and ordinances of the council to be carried into effect, and to do and perform all such other services as may be imposed upon him by the same.

Proviso.

Issue warrant for the collection of taxes.

SECTION 9. It shall be the duty of the burgess to issue his warrant to the collector, as often as occasion may require, commanding him to collect the taxes assessed by the town council, a list or duplicate of which shall be made out and delivered to the said collector, and to pay the same to the treasurer; and the collector shall have the power and authority in the collection of said taxes, as the collectors of county rates and levies, and may be proceeded against in the same manner that the county treasurer or county commissioners are authorized by law to proceed against the collectors of county taxes, when they neglect to collect or pay over the amount of their duplicates according to law: *Provided*, That the town council may hold appeals, hear any complaint in relation to the assessment of said taxes, and grant such relief as may seem best, at any time, and also exonerate the collector from the payment of any taxes that may be impracticable to collect; and in all cases of any tax assessed upon any vacant or unseated land in said borough, and the taxes remain unpaid, it shall be lawful for the collector to certify the same to the commissioners of Allegheny county, in the same manner as the supervisors of the roads are authorized by law to return road taxes or unseated lands; and the county treasurer shall in like manner collect the said taxes, or sell and convey the lot or lots for the payment of the same, and pay the money into the treasury of the borough, or to whoever it may belong.

Proviso.

Duty of clerk.

SECTION 10. It shall be the duty of the town clerk to attend all meetings of the town council, when assembled on business of the cor-



poration, and perform the duty of clerk thereto, and keep and preserve the corporate seal and records of the corporation, and be answerable for the same, and also for the faithful discharge of all the duties that may devolve upon him by this act or the acts of the corporation; he shall keep a fair journal of the proceedings of the town council, in a book to be provided for that purpose, and shall enter all the by-laws and ordinances, adopted by the council, in a separate book for that purpose, and when signed by the president shall attest the same; he shall certify copies under the seal of the corporation, which copies of any book, paper, by-laws, ordinances or proceedings of the council, when so certified and attested by the clerk, shall be good evidence of the thing certified; he shall deliver over to his successor, the seal and all the books, papers and other things belonging to the corporation, and upon neglect or refusal to do so, upon demand made, he shall forfeit and pay a fine of not less than fifty dollars, and be accountable for all damages sustained by the corporation, to be recovered as like debts and damages are by law recoverable.

**SECTION 11.** It shall be the duty of the treasurer to receive moneys due to the corporation, whether for fines, taxes, donations, or in any other way, and to pay out of the same on orders of the president or president pro tem.; he shall keep a fair account of his receipts and payments, and settle his accounts with the town council, whenever they shall require the same to be done, and pay over all moneys or balances found in his hands, and deliver to his successor in office, all books, papers and accounts, belonging to the corporation or pertaining to his official duties, when demanded, for which he shall give a bond to the burgess and town council, with sureties thereon, as they may require. Duty of treasurer.

**SECTION 12.** That no moneys shall be drawn from the treasury but by the authority of the council, on orders signed by the president thereof, and attested by the clerk; it shall be the duty of the town council to settle the accounts of the treasurer, street commissioner, collector of taxes, and of the several officers, annually, and to cause a fair statement, showing the receipts in the treasury, and how the same shall have been expended, to be published by the town clerk every year, in the manner prescribed by said town council. Annual statement to be published.

**SECTION 13.** The school directors elected under this act, shall perform the same duties, and possess the like powers, in all respects, as school directors elected agreeably to the general laws of this commonwealth. Duties of school directors.

**SECTION 14.** The justice of the peace residing in said borough, shall continue to hold his commission as if this act had not been passed; and the citizens of this borough shall proceed to elect one person, a citizen thereof, to serve as a justice of the peace in said borough, until the next election for justices of the peace will be held under the laws of the commonwealth. Justices of the peace.

**SECTION 15.** The citizens of the borough of West Elizabeth shall be exempt from paying road tax in the township of Jefferson, and shall not be entitled to vote for supervisors or justices of the peace in said township. Exempt from paying road tax.

**SECTION 16.** That the burgess and town council of the said borough are hereby authorized and empowered to have built, or otherwise provided or supported in said borough, at the expense thereof, a suitable building for the security and temporary detention of any person or persons committed by any justice of the peace, burgess or constable of said borough, for any violation of the laws of this commonwealth, or of the ordinance or ordinances of the borough aforesaid, for which such per- To provide a lock-up house.

son or persons could be lawfully committed to the common jail of the county aforesaid, there to remain and be kept until such offender or offenders can be removed to the common jail of said county, if committed for an indictable offence, or until discharged according to law : *Provided*, That no person or persons shall be confined in said lock-up house, at any one time, for a longer period than twenty-four hours, except such person or persons be charged with an indictable offence, and it may be necessary to detain him, her or them for a legal examination.

Proviso.

Expenses, how  
to be paid.

SECTION 17. That the expense of arresting, binding over or committing and keeping any such person or persons in said lock-up house, or conveying him, her or them to the common jail of the county aforesaid, on any indictable offence, shall be paid by the county of Allegheny, on the presentation of proper accounts of the same, to the commissioners of said county.

WILLIAM F. PACKER,  
*Speaker of the House of Representatives.*

WM. WILLIAMSON,  
*Speaker of the Senate.*

APPROVED—The thirtieth day of March, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

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No. 250.

## AN ACT

Relating to roads between the states of Pennsylvania and Ohio.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* If the legislature of the state of Ohio shall concur, that for the purpose of opening and keeping in repair any road now or hereafter to be laid out, by authority of law, on the line between the states of Pennsylvania and Ohio, it shall be the duty of the road supervisors, or other officer or officers having charge of the public roads in any two adjoining townships through which such road may pass, one of which shall be on either side of said line, to meet annually on the first day of April, or as soon thereafter as conveniently may be, and lay off so much of said road as shall lie between such adjoining townships, into sections not exceeding one mile in length, as they may think most convenient, and suitably mark the same, and divide said sections equally between said adjoining townships, and cause a record thereof to be made on the book of the township clerk of said adjoining townships, respectively ; and it is hereby made the duty of said clerks to make such record ; and thenceforth it shall be the duty of such supervisors, or other officer or officers as aforesaid, to open and keep in repair such portion or portions of such road, as may thus be allotted to the township of which they may be

Duties of super-  
visors.

supervisors, or other officers as aforesaid, respectively, under the same penalties as or may be imposed upon such officers by the road laws of of said states, respectively.

SECTION 2. *Resolved*, That the governor be and he is hereby Governor to requested to transmit a copy of the foregoing act to the governor of the transmit copy of state of Ohio, with a request that the same be communicated to the this act to gover- legislature of that state, at the earliest practicable period. nor of Ohio.

WILLIAM F. PACKER,  
*Speaker of the House of Representatives.*

WM. WILLIAMSON,  
*Speaker of the Senate.*

APPROVED—The thirtieth day of March, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

No. 251.

## AN ACT

To appoint E. R. E. Brady trustee of the person and estate of Robert Brady, and to sell certain real estate of the said Robert Brady, and to authorize George Davis to sell certain real estate.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That Evans R. E. Brady, of the borough of Brookville, in Jefferson county, E. R. E. Brady, is hereby appointed a trustee or guardian over the person and estate of appointed trustee Robert Brady, of North Mahoning, in the county of Indiana, a deaf of Robert Brady, and dumb person; and the said Evans R. E. Brady is hereby authorized and empowered to take charge of the person and estate of the said Robert Brady.

SECTION 2. And the said Evans R. E. Brady is hereby authorized and empowered, after having given due and public notice in one news- Authorized to paper printed in the county of Indiana, and one other newspaper printed sell real estate. in Jefferson county, for at least three weeks previous to the time of sale, to expose to public sale or out-ery, at one of the most public places in the township of East Mahoning, all or any of the real estate of the said Robert Brady, situate in East Mahoning township, Indiana county, and to sell the same for the highest and best price that can be had for the same, and to make to the purchaser or purchasers a deed for all or so much of the same as may be sold; which deed or deeds shall be, to all intents and purposes, sufficient in law to pass the estate aforesaid: *Provided*, That if a sufficient price, in the opinion of the said guardian or trustee, should not be bid for the same on the day of sale, that the sale may be adjourned from time to time; and should an opportunity offer, between the times of adjournment, whereby a private sale might be effected, then and in that case the said Evans R. E. Brady is hereby

Proviso.

authorized to contract privately for the sale of all or any part of the said real estate; and any or all deeds of conveyance, made in pursuance of such sale, shall be as good and effectual in law or equity as if the same had been sold at public sale: *Provided*, That no such private sale shall be good or effectual unless the said real estate shall bring, at such private sale, a sum equal to or greater than that which was bona fide bid for the same, upon any of the days upon which the same had been offered for sale, at public out-cry as aforesaid.

Give security.

SECTION 3. That before the said Evans R. E. Brady shall enter upon his duties as guardian or trustee as aforesaid, he shall give bond, in the name of the commonwealth of Pennsylvania, with one or more sureties, in any sum not exceeding one thousand dollars, conditioned for the faithful fulfilment of the trust as aforesaid confided to him, and for the tendering to the court of common pleas of Jefferson county, annually, in the month of May in each year, a just and true account of all moneys which he may have paid, laid out or expended towards the maintenance or keeping the said Robert Brady, in a decent and comfortable manner, which said bond shall be approved of by the judges of the court of common pleas of Jefferson county; and the passage of the account aforesaid, by the court aforesaid, shall be a sufficient voucher to the said Evans R. E. Brady for all moneys so paid, laid out and expended for the uses, et cetera, of the said Robert Brady: *Provided*, That before the aforesaid sales shall be valid, that the orphans' court of Indiana county shall approve of the same.

George Davis, guardian of minor children of Wm. Arbuckle, Jr., and Amelia his wife, authorized to sell real estate.

SECTION 4. That George Davis, of the borough of Lewistown, in the county of Mifflin, guardian of the minor children of William Arbuckle, junior, and Amelia, his wife, be and is hereby authorized and empowered to sell and convey in such manner and on such terms as he may judge to be for the interest of the persons interested therein, all that tract or piece of land, with the appurtenances, situate in Tuscarora township, Juniata county, bounded on the north and west by lands of Samuel M'Culloch, and on the south and east by lands of William Arbuckle, senior, containing twenty-three acres one hundred and twenty-five perches of land, and the allowance of six per cent. for roads, et cetera, being the same tract of land that was sold and conveyed by William Arbuckle, senior, to William Arbuckle, junior, and Amelia, his wife, in trust for their minor children, by an indenture bearing date the twenty-seventh day of February, one thousand eight hundred and forty-three; which sale shall be approved of by the orphans' court of Mifflin county; and to invest, by purchase, the proceeds of such sale in real estate in the said borough of Lewistown, to be held by the said George Davis, guardian as aforesaid, in trust for the minor children of the said William Arbuckle and Amelia, his wife: *Provided*, That before the said George Davis shall make such sale as aforesaid, he shall give bond, in the name of the commonwealth, with such surety as may be required by the orphans' court of Mifflin county, for the faithful performance of the trust hereby created.

Proviso.

WILLIAM F. PACKER,

*Speaker of the House of Representatives.*

WM. WILLIAMSON,

*Speaker of the Senate.*

APPROVED—The thirtieth day of March, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

No. 252.

## SUPPLEMENT

To an act incorporating the borough of White Haven, in Luzerne county, approved July eleventh, one thousand eight hundred and forty-two.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That it may be lawful for the citizens of the borough of White Haven, in the county of Luzerne, to hold a special election for the election of borough officers, on the third Monday of May, Anno Domini eighteen hundred and forty-eight, and annually thereafter on the day fixed by the act of one thousand eight hundred and forty-two, incorporating said borough, to which this is a supplement.

WILLIAM F. PACKER,  
*Speaker of the House of Representatives.*

WM. WILLIAMSON,  
*Speaker of the Senate.*

APPROVED—The thirtieth day of March, one thousand eight hundred and forty eight.

FRS. R. SHUNK.

No. 253.

## A FURTHER SUPPLEMENT

To an act, entitled “An Act relative to the organization of courts of justice.”

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the act, entitled “A supplement to an act relative to the organization of courts of justice,” approved the eighth day of March, one thousand eight hundred and forty-seven, so far as relates to changing the time of holding the several courts in the county of Perry, from the first Monday in August to the Monday next after the fourth Monday in August next, is hereby repealed; and that said terms hereafter commence on the first Monday in August in each and every year, and be continued, respectively, if necessary, for one week.

Time for holding  
courts in Perry  
county changed.

SECTION 2. That from and after the passage of this act, the several courts in the county of Perry shall commence on the Monday preceding the first Monday in November, in each and every year, instead of the



the stock of said company ; at which time and places some one or more of the said commissioners shall attend, and shall keep open said book or books at least six hours in every day for three successive days, if so many shall be necessary, and allow any one of the age of twenty-one years to subscribe therein, in his own name or names of any other person or persons, by whom he shall be authorized to do so, for any number of shares of said stock, until six hundred shares shall be subscribed, when the books shall be closed ; but if the whole number of shares shall not be subscribed, the said commissioners may adjourn to such time and places, as they shall think necessary, to receive subscriptions as aforesaid, and give such further notice as they shall think proper ; and when the subscription shall amount to six hundred shares as aforesaid, the books shall be closed : *Provided always*, That every person offering to subscribe in said book or books in his own name, or in the name of any other person, shall, at the time of subscribing, pay to the attending commissioner or commissioners two dollars on every share so subscribed ; out of which shall be defrayed the expenses attending the taking of such subscription, and other incidental charges, and the remainder shall be paid over to the treasurer of the corporation, as soon as the same shall be organized, and the officers thereof chosen as hereinafter directed.

SECTION 2. When four hundred shares of the said stock shall have been subscribed, the said commissioners, or a majority of them, shall certify, under their hands and seals, the names of the subscribers, and the number of shares subscribed by each, to the governor of this commonwealth, and thereupon it shall and may be lawful for the governor, by letters patent, under his hand and seal of the state, to create and erect the subscribers, and if the said subscription be not full at the time, then also those who shall subscribe to the number aforesaid, into one body corporate and politic, in deed and in law, by the name, style and title of "The president, managers and company of the Schuylkill bridge and Sweedes Ford ;" and by the said name the subscribers shall have perpetual succession, and shall be capable of holding their capital stock and the increase and profits thereof, and of enlarging the same from time to time, by new subscriptions, in such manner and form as they shall think proper, if such enlargement be thought necessary to fulfil the intent and meaning of this act ; and of purchasing and holding to them and their successors and assigns, and of selling, transferring and conveying in fee simple, or any less estate, all such lands, tenements, hereditaments and estates, real and personal, as shall be necessary to them in the prosecution of their work ; and of suing and being sued, and doing all and every thing which a body politic and corporate may lawfully do : *Provided*, That in erecting the bridge the ford shall be kept open alongside of the same, till said bridge be completed, when said ford shall be closed.

SECTION 3. When ten or more persons shall have subscribed three hundred shares of stock in said company, and shall have paid two dollars on each share so subscribed, the county commissioners of the county of Montgomery may, if they deem it expedient, subscribe for one hundred shares of the stock on behalf of said county ; the subscription on the part of said county, if so made, shall be paid by orders drawn on the treasurer of said county, within twenty days after the piers and abutments of said bridge shall be completed ; and the subscription and payment so made on the part of said county, shall, for every share subscribed by them, vest in such county commissioners and their successors, for the use of the county, all the rights and emoluments appertaining to a share or shares, as those held by individual stockholders ;

and after subscription and payment as aforesaid, the commissioners of said county shall and they are hereby authorized to appoint a manager in said county, at such time as they think proper, and remove the same and appoint another in his place whenever they may deem it necessary; and the manager so appointed, shall have all the rights, privileges and authority of managers chosen by the stockholders and the board; which said board shall consist of ten managers, any six of whom shall constitute a quorum for the transaction of business.

Organization.

Election of officers.

SECTION 4. Any five persons named in the letters patent of the governor, as soon as conveniently can be, after giving notice in one or more public papers published in the county of Montgomery, of a time and place by them appointed, not less than three weeks from the time of issuing the first notice, shall proceed with the subscribers to organize the said corporation; and shall by a majority of votes of said subscribers present, by a ballot to be delivered in person or by proxy, duly authorized, elect one president, nine managers and one treasurer; but in case the said county shall not subscribe as aforesaid, then ten managers shall be elected by the stockholders as aforesaid; which said officers shall serve until others shall be lawfully chosen in their place, as herein directed; and may make such rules, orders, regulations and by-laws, not inconsistent with the laws of this commonwealth, as shall be found necessary for the well ordering of the said company; and generally have all the powers, authorities and privileges necessary for erecting, maintaining and keeping in repair said bridge.

Annual meeting.

Proviso.  
Votes.

SECTION 5. A public meeting of the stockholders shall be held annually, at such time and places as shall be fixed by the rules and regulations of said company, for the purpose of choosing officers, in the manner aforesaid, for the ensuing year, and the transaction of such business as shall come before them: *Provided*, That no person shall be entitled to more than ten votes, and that every person shall be entitled to one vote for every share to the number of ten shares and under.

Certificates of stock.

Transferable.

SECTION 6. The president and managers shall procure certificates of stock in said company, which shall be signed by the president and countersigned by the treasurer, and sealed with the seal of the corporation; and each stockholder shall be entitled to a certificate for each share by him subscribed or held, by paying to the treasurer, in part for the sum due thereon, five dollars on each share, which certificate shall be transferable, either in person or by attorney, duly authorized, in the presence of the treasurer or of the secretary for the time being, subject, however, to the payment due or growing due thereon; and the person to whom the transfer shall be made, shall stand in the place of the former holder, and be entitled to the same privileges, and liable to the same responsibilities to the company.

Quorum.

Duty of board.

SECTION 7. The said president and managers shall meet at such time and place, and be convened in such manner as shall be prescribed by the by-laws; at which meeting six shall constitute a quorum, who, in the absence of the president, may choose a chairman, and shall keep minutes of all their proceedings and transactions, duly inserted in a book; and at such meeting, a quorum being present, they shall have full power and authority to agree with and appoint such engineers, superintendents, artists and other officers, as they shall think necessary for the erection of said bridge, and to fix their salaries and wages, or at their discretion make contracts for the erection and construction of the same, or any part thereof; they shall also determine the times, manner and proportion in which the stockholders shall pay the money due on their respective shares, draw orders on the treasurer for the money necessary to pay salaries, wages and bills for work or materials on account



of contracts; which orders shall be signed by the president, or in his absence, by a majority of the quorum, and attested by the secretary; and also do all matters and things, as by this act or by the by-laws of said company, shall be committed to them.

SECTION 8. If any stockholder, after three weeks' notice, given in two newspapers in said county, of the time and place appointed for the payment of any instalment of said capital stock, shall neglect to pay said instalment at the time appointed, every such stockholder, or his assignee, shall, in addition to the proportion so called for, pay at the rate of one per cent. per month for every delay of such payment; and if the same and the said additional payment shall remain unpaid for such a space of time that the accumulated penalties shall be equal to the sum before paid, or amount of such share, the same shall be forfeited to the company, and may be sold by them to any other person or persons willing to purchase, for such price as can be obtained therefor; or the president and managers may sue for and recover the same before any justice of the peace, or before any court of competent jurisdiction.

Proceedings  
against delin-  
quent stockhold-  
ers.

SECTION 9. Whenever it shall appear to the said president, managers and company, at any general or special meeting, that the said bridge cannot be completed without extending the number of shares, they shall be extended under the direction of such meeting, so far as may be necessary to complete said bridge; which additional shares shall be sold by the president, and shall entitle the holder to the same rights and privileges as those originally subscribed.

Increase capital.

SECTION 10. The Philadelphia and Reading railroad company are hereby authorized to construct a railroad track over said bridge, to connect their road with the Philadelphia, Germantown and Norristown railroad, agreeably to the provisions of the act of assembly, passed the fifteenth day of April, Anno Domini one thousand eight hundred and forty-six, authorizing connections between said railroads.

Philadelphia and  
Reading railroad  
company may  
construct a track  
over bridge.

SECTION 11. The said president and managers are hereby authorized to grade the road or street from said ford, or the eastern termination of said bridge, to the Ridge turnpike road, by cutting down or filling up the same in a proper manner, and to turnpike or M'Adamise the same, at their own expense: *Provided*, That the grade of said road or street shall be made in accordance with the regulations of the roads and streets in the borough of Norristown, through which the same passes.

Grade road adja-  
cent to bridge.

Proviso.

SECTION 12. When a safe passage may be had across said bridge, the property shall be vested in the said company, their successors and assigns forever; and the said company and assigns are hereby empowered to erect gates, and to demand and receive toll for passing over said bridge, not exceeding the following rates, to wit: for every score of sheep, six cents; for every score of hogs, ten cents; for every score of cattle, twenty-five cents, and so for a greater or less number; for every horse or mule, three cents; for every horse and rider, four cents; for every foot passenger, one cent; for every sulkey, chair or chaise, with one horse and two wheels, ten cents; for every pleasure carriage, with four wheels and one horse, twelve and a-half cents; for every chariot, coach, phaeton or chaise, with two horses and four wheels, fifteen cents; for the aforesaid carriages with four horses, twenty cents; and every other carriage of pleasure, under whatever name, the like sum, according to the number of horses drawing the same; for every wagon or cart for burden and agricultural use, for one horse, five cents; for every such wagon or cart drawn by two horses, ten cents; for every such wagon or cart drawn by four horses, twenty cents; for every sleigh or sled, five cents; and for every horse drawing the same, five cents; and two oxen shall be estimated equal to one horse; for every empty

Bridge vested in  
company.

Tolls.

Proviso.

burden car of four wheels, two cents; for every empty burden car of eight wheels, four cents; for every ton of burden hauled on said cars, two cents; for every passenger car, fifty cents: *Provided*, That the said bridge shall be so constructed as to admit any load not exceeding ten tons, and not drawn by more than ten horses or oxen, at all times to cross it; the said president and managers, however, to have the power to increase the rate of toll to be demanded for any carriage of burden crossing said bridge, laden with more than five tons, to an amount not exceeding double the above rates and grade of the horses drawing the same; the said president and managers also to have the power to enter into contracts with the said railroad companies, or either of them, in regard to the said railroad track crossing said bridge, and the rates of toll to be charged for cars passing thereon.

Penalty for taking exorbitant tolls.

SECTION 13. If the said company, or their successors, or any person or persons, by their authority, shall collect or demand any greater toll for passing over said bridge, than which is herein prescribed and specified, or shall neglect to keep the same in good repair, or to keep a list of the rates of toll placed near the bridge, on ten days' notice given by a justice of the peace of said county, they so offending shall, for every offence, forfeit and pay the sum of five dollars, to be recoverable as debts of the same amounts are by law recoverable, one moiety thereof to the use of the poor of said county, and the other moiety to the use of the person who shall sue for the same; but no suit shall be brought unless commenced within thirty days after the offence shall have been committed.

Accounts.

SECTION 14. The said president and managers shall keep a just and true account of all the moneys received as toll for crossing the said bridge or otherwise, and shall make and declare a dividend of the profits and income, after deducting costs, expenses and charges; and shall semi-annually, on the first Monday of March and September in every year, publish the dividends to be made of the clear profits thereof, among the stockholders, and of the time and place when and where the same is to be paid, and shall cause it to be paid accordingly: *Provided*, That it shall be lawful for the said president and managers, in making and declaring any dividends, to reserve such sum or proportion of the clear half yearly income, not exceeding one per cent. of the capital stock, as they may think proper, to form a contingent fund for the purpose of repairing and re-building the said bridge, in case of decay or injury, and the same to invest on such security, or in such stock, as they shall deem safe and productive; and the interest arising from the same, again to invest, and the same stock again to sell or transfer, at any time when the funds may be required for the purposes aforesaid.

Dividends.

Proviso.

Collectors to be sworn.

SECTION 15. It shall be lawful for the president and managers aforesaid, to cause the toll collector or collectors, and watchman or men of said bridge, to take and subscribe an oath or affirmation, before a justice of the peace of said county, that he or they will faithfully hire themselves in his or their respective stations, and honestly account to the treasurer of the company for all the money collected by him or them, and diligently attend to the discharge of his or their duty, by watching with vigilance over the interests of said company, and the safety of the bridge, and generally to execute with care and fidelity whatever lawful engagements he or they may enter into with the president and managers of said company.

Penalty for injuring bridge, &c.

SECTION 16. If any person or persons shall wilfully pull down, break or injure, or destroy any part or parts of said bridge, or any toll house, gates, bars or any other property of the said corporation, appertaining to or erected for the use and convenience of said bridge, or of the person

employed for the purpose of attending to the same; or shall wilfully, without the consent or order of the said corporation, deface or destroy any list of the rates of toll affixed in any place or places for the information of passengers and others; or who shall wilfully or maliciously obstruct or impede the passage on or over said bridge, or any part or parts thereof, he, she or they so offending, shall each of them forfeit and pay for each and every such offence, to the said corporation, the sum of ten dollars, to be recovered before a justice of the peace as debts of like amount are recoverable; and if any person shall be guilty of carrying any lighted cigar or pipe, or of carrying fire in any manner whatsoever over said bridge, except in a lantern, or in some vessel secured so that the probability of setting fire to said bridge shall be fully prevented; or who shall discharge any pistol or gun, or any fire arms on or near said bridge, so that the said bridge might, by possibility, be set on fire, or injured by said cause, he or she so offending shall forfeit and pay to the said corporation, the sum of five dollars for every such offence, to be recovered as aforesaid; or if any person or persons shall ride or drive his or their horse or horses, on or over said bridge in a faster gait than a walk, he, she or they so offending shall forfeit and pay to the said corporation, the sum of five dollars for every such offence, to be recovered in like manner; but no suit shall be brought for any of the aforesaid offences, unless commenced within thirty days after it shall be known who committed said offence; and he or they so offending shall remain liable to actions, at the suit of said corporation, for such wrongs, if the sums herein mentioned be not sufficient to repair and satisfy said damage.

Penalties for violations.

SECTION 17. If the said company shall not proceed to carry on the said work within three years after they shall have been incorporated, or shall not within the space of five years thereafter complete the said bridge, it shall and may be lawful for the legislature of this commonwealth to resume all and singular the rights, liberties and privileges hereby granted to the said company: *Provided also*, That the president and managers shall annually, in the month of March, publish in one or more newspapers printed in said county, a full account of the cost of building and repairing said bridge, and the amount of toll received.

Commencement and completion of said bridge.

Proviso.

SECTION 18. If at any time hereafter the state of Pennsylvania, the county of Montgomery, or the borough of Norristown, shall think proper to purchase the said bridge for the purpose of making it a free bridge, the said company shall be obliged to sell the said bridge, for such sum as the majority of twelve disinterested men, appointed by the court of common pleas of the above mentioned county, may judge the same to be worth; and that so much of any act or acts of assembly as are hereby altered or supplied, be and the same are hereby repealed.

Bridge may be made free.

WILLIAM F. PACKER,  
*Speaker of the House of Representatives.*

WM. WILLIAMSON,  
*Speaker of the Senate.*

APPROVED—The thirtieth day of March, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

No. 255.

## A SUPPLEMENT

To an act, entitled "An Act to incorporate the president and managers of the Danborough and Point Pleasant turnpike road company.

*SECTION 1. Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* when and so often as the president and managers of the Danborough and Point Pleasant turnpike road company shall have completed one mile or more of the said road, they may proceed to have the same inspected and licensed for taking toll thereon, in the same manner and with like restrictions and privileges as is provided in the tenth section of the act to which this is a supplement.

Parts of road to be inspected and licensed.

Borrow money.

Issue certificates of loans.

To execute a mortgage to secure payment thereof.

Proceedings to recover such certificate, &c.

*SECTION 2.* That the said president and managers and company shall be and they are hereby authorized to borrow, for the purposes of the company, any sum not exceeding eight thousand dollars; and for the purpose of securing the payment of the same to the lender or lenders, may issue certificates of loan in sums not less than twenty-five dollars each, to be signed by the said president and treasurer, and sealed with the seal of the corporation, to be payable at such time and upon such terms as may be agreed upon between the parties; and in order to secure to the lenders, their executors, administrators or assigns, the amount of said certificates as they shall become due and payable by the said president, managers and company are hereby authorized and empowered to make and execute to a trustee or trustees, to be appointed by the president, managers and company, a mortgage, in the manner hereinafter provided for, of the whole of the said turnpike road, as the same shall be at the time of the mortgage executed, or at any time thereafter, and of all the stock, rights and privileges of the said president, managers and company, and of all and each of the stockholders thereof; and in case it shall happen that any certificate of loan aforesaid shall remain unpaid for thirty days after the time appointed for the payment of the same, then it shall be lawful for any holder of such certificate to sue out a scire facias on the mortgage aforesaid, and proceed to obtain judgment thereon; and the judgment so obtained shall stand as a security for all such certificates as shall then remain unpaid; and the holder of any certificate may proceed to issue a levam facias, and sell the said road, and all the rights, stock and privileges of the said president, managers and company therein, and all the stock, rights and privileges of the stockholders of the said company; and a sale under such levam facias shall vest absolutely in the purchaser the whole rights, privileges and of the stockholders therein, as effectually as real estate is vested in a purchaser when sold on a mortgage; and the said sale shall wholly divest the said president, managers and company, and each and every stockholder, of all corporate powers, rights, title, interests, estates, privilege or stock in said company; and all corporate powers, right, title, interest, estate, privilege or stock, as well of the said president, managers and company, as that of each and every stockholder, shall be vested in the purchaser or purchasers thereof; and from thenceforth all the provisions of the act of incorporation of the said company, with

corporation powers conferred, and of the several laws of this commonwealth in relation to turnpike roads, shall be for the benefit and government of the said purchaser or purchasers, in like manner as if they were the original corporators; and if at any time the interest agreed to be paid, shall remain unpaid for thirty days after the time appointed for the payment thereof, the court of common pleas of Bucks county shall, on the application of a holder of a certificate, to whom interest is due, order that all the tolls received upon the said road be paid to a receiver, appointed by the said court, until sufficient toll is collected to pay such interests, and shall enforce such order against all and every receiver of tolls, if necessary, by attachment; shall direct the interest aforesaid to be paid out by such receiver to those entitled to receive it; and all the proceedings to effect these purposes shall be in such form as the court aforesaid may direct: *Provided*, That before proceeding to obtain the loan aforesaid, the said president, managers and company shall, by resolution of the board, determine precisely the amount of the loan to be made, which shall not be exceeded; and thereupon they shall execute to the trustees aforesaid, the mortgage aforesaid, conditioned as aforesaid, which shall be for the use of all and every the holders of the certificates of loan, in manner as aforesaid; and then the said president, managers and company may from time to time, as they may deem best, borrow any portion of the said amount, for which they shall issue certificates of loan as aforesaid: *And provided*, That for all fractional parts of tolls, not equal to any denomination of coins in circulation, the said company may take the next highest circulating denomination. Proviso.

WILLIAM F. PACKER,

*Speaker of the House of Representatives.*

WM. WILLIAMSON,

*Speaker of the Senate.*

APPROVED—The thirtieth day of March, one thousand eight hundred and forty-eight.

No. 256.

## A N A C T

To authorize the supervisors of Greene township, Clinton county, to subscribe to the stock of the Sugar Valley and White Deer turnpike road company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the supervisors of the public highways for the township of Greene, in the county of Clinton, be and they are hereby authorized to subscribe for and in the name and behalf and for the use of the inhabitants of said township, any number of shares in the capital stock of the Sugar Valley and White Deer turnpike road company, the par value of which shall

not exceed, in the aggregate, the sum of five thousand dollars: *Provided*, That the amount of moneys so subscribed as aforesaid, shall be expended by said company, under the direction of said supervisors, in the making and constructing of such portions of said turnpike road as shall pass through said township, and for no other purpose whatever: *And provided*, That the supervisors, for the time being, of said township of Greene, shall have all the rights and privileges of other stockholders in said company, in proportion to the amount subscribed for by them, respectively, for the use of the inhabitants of said township of Greene.

WILLIAM F. PACKER,

*Speaker of the House of Representatives.*

WM. WILLIAMSON,

*Speaker of the Senate.*

APPROVED—The thirtieth day of March, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

No. 257.

## AN ACT

To change the name of Franklin Bear Swar to Franklin Swar Bryan, the name of a cavalry troop of Lehigh county, and the name of Haddington college to William Penn college.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same.* That from and after the passage of this act, Franklin Bear Swar, of Lancaster county, shall be called and known by the name of Franklin Swar Bryan; and by that name be capable of suing and being sued, and of granting and taking any real or personal estate, by grant, demise or purchase, in the same manner as if he had been always known by the name of Franklin Swar Bryan.

Franklin Bear Swar, changed to Franklin Swar Bryan.

SECTION 2. That from and after the passage of this act, the troop of cavalry, in the county of Lehigh, styled the Millerstown Troop of Cavalry, attached to battalion number two, eighty-second regiment, second brigade, seventh division, shall be and is hereby changed and called the Independent Washington Cavalry Troop; and all acts done under the former name shall not be affected, in any manner by this act; and the troop or corps shall enjoy all the advantages in point of date, or age of company officers, as if this act had not been passed; and said troop or company shall be entitled to all the privileges and immunities, together with all the arms and accoutrements that a troop of cavalry may be entitled to under existing laws; and that from and after the passage of this act, the said Independent Washington Troop and the North Whitehall Troop, of Lehigh county, shall be exempted from parading or drilling with any regiment or battalion of militia, except at their own discretion.

Millerstown Troop of Cavalry changed to Independent Washington Cavalry Troop.

Said troop, and North Whitehall Troop, exempted from parading with militia.

SECTION 3. That the corporate name and style of the Haddington college, in the county of Philadelphia, shall be changed, and that the said college shall hereafter be entitled and known by the name and style of the William Penn college.

Haddington college changed to William Penn college.

SECTION 4. That the trustees of said college shall hereafter continue in office as such trustees during good behavior; and in case of a vacancy or vacancies accruing in their board, such vacancy or vacancies shall be filled by the remaining trustees.

Trustees to continue in office during good behaviour.

Vacancies, how supplied.

WILLIAM F. PACKER,  
*Speaker of the House of Representatives.*

WM. WILLIAMSON,  
*Speaker of the Senate.*

APPROVED—The first day of April, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

No. 258.

## AN ACT

Declaring certain streams public highways, establishing a ferry in Warren county, repealing the act of thirteenth February, one thousand eight hundred and forty-seven, and for the construction of a dam across the river Conemaugh.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That from and after the passage of this act, Canoe creek, from its mouth to Henry Stoner's saw mill, in Indiana county, be and the same is hereby declared a public highway.

Canoe creek, in Indiana county, to be a public highway.

SECTION 2. That Little Mill creek, in the county of Jefferson, be and the same is hereby declared a public highway, from its mouth to the saw mill of James S. M'Cullough.

Little Mill creek, in Jefferson county, a public highway.

SECTION 3. That from and after the passage of this act, Cowanesque creek, in the county of Tioga, from its mouth to the junction of said creek and the so called North Fork creek, be and the same is hereby declared a public highway for the passing of rafts and boats or other vessels; and the provisions of the act to which this is a supplement, are hereby extended to the same.

Cowanesque creek, in Tioga county, to be a public highway.

SECTION 4. That from and after the passage of this act, the East Branch of the Mahoning creek, in Clearfield county, be and the same is hereby declared a public highway, to all intents and purposes, as other streams that have been declared navigable.

East Branch of Mahoning creek, Clearfield county, a public highway.

SECTION 5. That George Tomb and his heirs and assigns, shall have the right and privilege, at their expense, to make a good and convenient landing on the east and west sides of the Allegheny river, in the township of Elk, in the county of Warren, at or near the residence of Calvin Webb, and to use the said river between the said landing as a public ferry.

George Tomb, authorized to erect a ferry over the Allegheny river, in Warren county.

Ferry landings, &c., to be kept in good order.

SECTION 6. The said George Tomb, and his heirs and assigns, shall keep the said landing and ferry in good condition and repair, fit for the transportation and passage of men, of horses and other animals, and carriages of all descriptions; and shall keep good and substantial boats and other necessary crafts, and competent and careful ferrymen, who shall constantly, as occasion may require, attend for the purpose of transporting travelers and others, cattle and carriages over the said river, with all reasonable diligence and attention.

Entitled to receive such prices as the court may direct

Proviso.

Reservations.

SECTION 7. The said George Tomb, and his heirs and assigns, for keeping up and maintaining the said landings and ferry as aforesaid, shall receive from persons passing over said river at said ferry, such prices and charges as are customarily paid at other ferries on said Allegheny river; subject to such rules and regulations as the court of quarter sessions of the county of Warren may direct: *Provided*, That nothing in this act contained shall be so construed as to invest in the said George Tomb, and his heirs or assigns, the right to receive or discharge any travelers, cattle or carriages as aforesaid, on land belonging to any other person or persons, without the consent of the owner or owners of said land; or to prevent any future legislation from resuming the privileges hereby granted.

Act declaring Portage Branch of Allegheny river a public highway, repealed.

SECTION 8. That the act of the thirteenth February, one thousand eight hundred and forty-seven, declaring the Portage Branch of the Allegheny river, in the county of M'Kean, a public highway, be and the same is hereby repealed.

Dr. Thos. Murry, authorized to construct a dam across the Conemaugh river.

Proviso.

SECTION 9. That from and after the passage of this act, it shall and may be lawful for Dr. Thomas Murry, of Indiana county, to erect a dam, not exceeding five feet in height, across the river Conemaugh, at or near Kelly's ford: *Provided*, That by the construction of said dam, there shall no injury be done to public or private property: *Provided*, That the said dam shall not be constructed unless with the consent of the canal commissioners.

WILLIAM F. PACKER,  
*Speaker of the House of Representatives.*

WM. WILLIAMSON,  
*Speaker of the Senate.*

APPROVED—The first day of April, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.



No. 259.

## AN ACT

To provide for the erection of a house for the employment and support of the poor of Blair county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* David Caldwell, Samuel Smith, Nicholas Hewitt, John Hemphill, Commissioners. Charles Wilson, William Reed, John M'Kennan, Archabald M'Callister, Isaac Rhoads, James A. M'Cahen, Valentine Lingafelter, John Miller, John Hutchison, John Crotzer and Armstrong Crawford, be and are hereby appointed commissioners, whose duty it shall be, or a majority of them, on or before the first day of May, Anno Domini one thousand eight hundred and forty-nine, to determine upon and purchase such real estate as they shall deem necessary, for the accommodation of the poor of Blair county; such real estate to be situated within eight To purchase real estate. miles of the county seat of the said county of Blair; and it shall be lawful for said commissioners, or a majority of them, to take conveyances therefor, in the name and for the use of the corporation mentioned in the third section of this act; and they shall certify their proceedings therein, under their hands and seals, to the clerk of the court of quarter sessions of Blair county, to be filed in his office; and at the next general election the qualified electors shall elect three reputable citizens of the said county, to be directors of the poor and of the house of employment Elect directors of the poor. for the county of Blair; and the judges of the election of said county shall, immediately on receiving the returns from the several election districts, and casting up the number of votes therein, or within three days thereafter, certify, under their hands and seals, the names of the persons so elected directors, to the clerk of the court of quarter sessions of the said county, who shall file the said certificate in his office, and forthwith give notice, in writing, to the said directors of their being elected; and the said directors shall meet at the court house in the said county, on the first Monday of November next ensuing their election, and divide themselves, by lot, into three classes; the place of the first Classification. to be vacated at the expiration of the first year, of the second at the expiration of the second year, of the third at the expiration of the third year, so that those who shall be chosen after the first election, and in the mode above described, may serve for three years, and one-third may be chosen annually.

SECTION 2. Every director elected in manner aforesaid, or appointed as is directed by the eleventh section of this act, shall, within ten days Directors to be sworn. after he is notified of such election or appointment, and before he enters upon the duties of said office, take an oath or affirmation, which any justice of the peace of the said county is hereby authorized to administer, that he will discharge the duties of the office of director of the poor for the said county, truly, faithfully and impartially, to the best of his knowledge and ability; and in case of neglect or refusal to take the said Penalty for refusal to serve. oath or affirmation, within the time aforesaid, he shall forfeit and pay the sum of ten dollars, for the use of the poor of said county, which fine shall be recovered by the directors, for the time being, as debts are

or shall be by law recoverable; and the directors, qualified as aforesaid, are hereby authorized to administer an oath or affirmation in any case, when it shall be necessary, in relation to the duties of their office.

To be a corporate body.

Privileges.

Style.

Powers and duties.

Proviso.

Seal.

Make estimates of all expenses.

Procure loan.

Proviso.

Furnish county commissioners annually with an estimate of expenses.

SECTION 3. The said directors shall, forever hereafter, in name and in fact, be one body politic and corporate in law, to all intents and purposes whatsoever, relative to the poor of the county of Blair; and shall have perpetual succession, and may sue and be sued, plead and be impleaded, by the name, style and title of the Directors of the poor and of the house of employment for the county of Blair; and by that name shall and may receive, take and hold any lands, tenements and hereditaments not exceeding the yearly value of ten thousand dollars, and any goods and chattels whatsoever, of the gift, alienation or bequest of any person or persons whatsoever; to purchase, take and hold any lands and tenements within their county, in fee simple or otherwise, and erect suitable buildings for the reception, use and accommodation of the poor of said county; to provide all things necessary for the lodging, maintenance and employment of said poor; to appoint a treasurer annually, who shall give bond, with full and sufficient surety, for the faithful discharge of the duties of his office, and at the expiration thereof, for the payment and delivery over to his successors in office, of all moneys, bonds, notes, book accounts and other papers, to the said corporation belonging, which shall then be remaining in his hands, custody and possession; and said directors shall have power to employ, and at pleasure remove a steward or stewards, matron or matrons, physician or physicians, surgeon or surgeons, and all other attendants that may be necessary for the said poor, respectively; to bind out apprentices, so that such apprenticeship may expire, if males, at or before the age of twenty-one years, if females, at or before the age of eighteen years, such poor children as shall come under their notice, or as may now be bound apprentice by the overseers of the poor: *Provided*, That no child shall be bound at a greater distance than thirty miles from the poor house; and the said directors shall exercise and enjoy all such other powers now vested in the overseers of the poor, as are not herein granted or supplied; and the said directors are hereby empowered to use one common seal, in all business relating to the said corporation, and the same at their pleasure to alter and renew.

SECTION 4. The said directors, as soon as may be after their election and organization as aforesaid, shall make an estimate of the probable expense of purchasing the lands and buildings, or erecting the necessary building or buildings and furnishing the same, and maintaining the poor within the said county for one year; whereupon the county commissioners of the said county shall, and they are hereby authorized and required, to increase the county tax by one-fourth part of the sum necessary for the purpose aforesaid; and shall procure on loan, on the credit of the taxes herein directed to be levied, the remaining three-fourths thereof, to be paid in instalments, with interest, out of the county taxes: *Provided always*, That if such loan cannot be made, the whole amount of the sum necessary for that purpose aforesaid, or such part thereof as may be deemed proper, shall immediately be added to the county tax, to be paid by the county treasurer to the directors aforesaid, on orders drawn in their favor by the county commissioners, as the same may be found necessary.

SECTION 5. It shall be the duty of the said directors, on or before the first day of November in each and every year, to furnish the commissioners of said county, with an estimate of the probable expense of the poor and poor house for one year; and it shall be the duty of said commissioners to assess and cause to be collected the amount of said

estimate, which shall be paid to said directors by the county treasurer, on warrants drawn in their favor by the county commissioners, as the same may be found necessary; and the said directors shall, at least once in every year, render an account of all moneys by them received and expended, to the auditors appointed to audit and settle the county accounts, subject to the same penalties, rules and regulations as are by law directed, respecting the accounts of the county commissioners; and shall, at least once in every year, lay before the court of quarter sessions and grand jury of said county, a list of the number, ages and sex of the persons maintained and employed in the said house of employment, or supported or assisted by them elsewhere, and if the children by them bound out to apprenticeship as aforesaid, with the names of their masters or mistresses, and their trade, occupation or calling; and shall, at all times when thereunto required, submit to the inspection and free examination of such visitors as shall, from time to time, be appointed by the court of quarter sessions of the said county, all their books and accounts, together with the rents, interests and moneys, payable and receivable by the said corporation, and also an account of all sales, purchases, donations, devises and bequests, as shall have been made by or to them.

Auditors to audit accounts.

Report annually to the court, &c.

SECTION 6. As soon as the said building shall have been erected or purchased, and all necessary accommodations provided therein, notices shall be sent, signed by any two of the said directors, to the overseers of the several townships of the said county of Blair, requiring them forthwith to bring the poor of their respective townships to said house of employment; which order the overseers are hereby enjoined and required to comply with, or otherwise to forfeit the costs of all future maintenance, except in cases when sickness or any other sufficient cause, any poor person cannot be removed; in which case the overseers shall represent the same to the nearest justice of the peace, who, being satisfied of the truth thereof, shall certify the same to the said directors, and at the same time issue an order, under his hand and seal, to the said overseers, directing them to maintain such poor until such time he or she may be in a situation to be removed, and then convey the said pauper, and deliver him or her to the steward or keeper of the said house of employment, together with the said order; and the charge and expense of such temporary relief, and of such removal, shall be paid by the said directors, at a reasonable allowance.

Upon completion of buildings to admit the poor of the county.

SECTION 7. The said directors shall from time to time receive, provide for and employ, according to the true intent and meaning of this act, all such poor and indigent persons as shall be entitled to relief, or shall have gained a legal settlement in said county of Blair, and shall be sent there by an order or warrant for that purpose, under the hand and seals of any two justices of the peace, directed to any constable of the said county of Blair, or to the overseers of the proper township in any other county of this commonwealth; and the said directors are hereby authorized, when they shall deem it proper and convenient to do so, to permit any poor person or persons to be maintained elsewhere; *Provided*, The expense of their maintenance does not in any case exceed that for which they could be maintained at the poor house of the said county of Blair.

Directors to receive and employ the poor, &c.

Proviso.

SECTION 8. The said directors, or any two of whom, shall be a quorum in all cases to do business, shall have full power to make and ordain such ordinances, rules and regulations as they shall think proper, convenient and necessary for the direction, government and support of the poor and house of employment aforesaid, and of the revenue thereunto belonging, and of all such persons as shall come under their

Quorum.

By-laws.

Proviso. cognizance: *Provided*, The same be not repugnant to this law, or  
 Proviso. any of the laws of this state or of the United States: *And provided also*, That the same shall not have any force or effect until they have been submitted to the court of common pleas, for the time being, of the county of Blair, and shall have received the approbation of the same.

Administer oaths. SECTION 9. The said directors, or either of them, shall have full power and authority to administer oaths or affirmations to all persons residing in the said house of employment, or becoming chargeable to the said county, touching their place of legal settlement; and in case such poor person or persons shall refuse to take the said oath or affirmation, or refuse to answer such questions as shall be asked by the said directors, touching and relating to the said settlement, the said directors may withhold all further relief from such poor person or persons, until he, she or they shall consent to take such oath or affirmation, and answer all such questions as aforesaid; and the said board of directors, or either of them, in addition to the power hereinbefore granted, are authorized and empowered to administer oaths and affirmations in all cases whatever, relating to their official duties.

To meet monthly, at least. SECTION 10. A quorum of said directors shall, and they are hereby enjoined and required, to meet at the said house of employment at least once in every month, and visit the apartments, and see that the poor are comfortably supported, and hear all complaints, and redress or cause to be redressed all grievances that may happen by the neglect or misconduct of any person or persons in their employment or otherwise.

Compensation. SECTION 11. The said directors shall each receive for their services annually, the sum of twenty dollars, to defray the expenses of their necessary attendance on the duties of their office.

To supply vacancies. SECTION 12. In case of any vacancy by death, resignation or otherwise, of any of said directors, the remaining directors shall fill such vacancy by the appointment of a citizen of their county, under the same penalty as is provided by the third section of this act, to serve until the next general election, when another director shall be elected, to serve as if no such vacancy had happened.

Effect of former claims. SECTION 13. All claims and demands existing at the time of this act being carried into effect, shall have full force and effect, as if this act had not passed; and when the same may have been duly adjusted and settled, all moneys remaining in the hands of the overseers, as well as the uncollected taxes levied for the support of the poor in the several townships of the county of Blair, shall be paid over to the supervisors of the highways of their respective townships, to be by them applied towards repairing the roads therein.

Office of overseer abolished. SECTION 14. As soon as the poor of the county of Blair shall have been removed to the house of employment of the said county, and the outstanding taxes collected and paid over, the office of overseer of the poor within said county shall from thenceforth be abolished.

Certain powers and duties conferred upon directors. SECTION 15. The powers conferred and the duties imposed on the overseers of the poor in and by an act to empower the overseers and guardians of the poor of the several townships within this commonwealth to recover certain fines, penalties and forfeitures, and for other purposes, are hereby conferred and imposed on the directors of the poor in the said county of Blair; and that the justices of the peace and sheriff within the said county of Blair, are hereby required and enjoined to pay to the said directors, to be by them applied for the maintenance of the poor of said county, the aforesaid fines, forfeitures and penalties, within the time and in the manner prescribed by the said act for the payment thereof in other counties, to the overseer of the poor, and to

give notice of the receipt thereof to the said directors, within the time and in the manner aforesaid; and that for any neglect or refusal to perform any of the duties enjoined on them by the said act, the said justices of the peace and sheriff in the said county shall be subject to all fines, penalties and forfeitures to which the justices and sheriffs in other counties by the said act are subject or liable.

SECTION 16. The commissioners of said county are hereby authorized and empowered to pay the persons who are appointed commissioners by the first section of this act, the expenses incurred by them in the performance of their duty; and also to pay to each of the said directors a reasonable compensation for their services during the term they are employed in erecting any building or buildings aforesaid: *Provided*, The same shall not, including the annual sum allowed to them by this act, exceed fifty dollars for any one year. Commissioners to be compensated.

SECTION 17. So much of the laws of this commonwealth relating to the poor as are by this act altered or supplied, be and the same is hereby repealed, so far as they affect the county of Blair. Repeal.

SECTION 18. That the sheriff of said county shall in due time notify the said commissioners of their appointment, and when and where they shall meet for entering upon the duties assigned them by this act, which place of meeting shall be as near the centre of the county as possible. Sheriff to notify commissioners.

WILLIAM F. PACKER,  
*Speaker of the House of Representatives.*

WM. WILLIAMSON,  
*Speaker of the Senate.*

APPROVED—The first day of April, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

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No. 260.

## AN ACT

Authorizing an artificial road to be made on that part of the Southern post road which lies between the Woodlands cemetery gates and the intersection of Chesnut street.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That Henry Leech and Charles Lloyd, of Philadelphia county, and Hill Pennell, of Delaware county, be and are hereby appointed commissioners to do and perform the things hereafter mentioned, that is to say: they shall procure a book or books, and cause to be written therein as follows, to wit: “We whose names are hereunto subscribed, do promise to pay the sums set opposite to our names, respectively, to be appropriated towards making an artificial road on that part of the bed of the Southern post road which lies between the Woodlands cemetery Commissioners.

Form of subscription.

gates and the intersection of Chesnut street, to such person and at such times as may be directed by the commissioners appointed by act of assembly to cause said artificial road to be made;" and the said commissioners, by themselves or by agents duly appointed, may take and receive subscriptions as aforesaid, from any person willing to make the same, or from any corporation having authority to make such subscription.

Certain corporations authorized to subscribe.

SECTION 2. The town council of the borough of West Philadelphia, on behalf of said borough, the managers of the Woodlands cemetery company, on behalf of said company, the road commissioners of the township of Blockley, on behalf of said township, the president and managers of the Delaware County turnpike road company, on behalf of said company, the guardians for the relief and employment of the poor of the city of Philadelphia, the district of Southwark and the townships of the Northern Liberties and Penn, on behalf of their corporation, shall severally have authority to subscribe towards making said artificial road :

Proviso.

*Provided*, That the subscription by the guardians of the poor may be taken out in labor and materials, the amount thereof to be estimated by said commissioners. The supervisors of the township of Kingsessing,

Supervisors may subscribe.

and the supervisors of any township in the county of Delaware, shall also have authority to subscribe on behalf of their townships, respectively, towards making said road: *Provided*, That no subscription by

Proviso.

the supervisors of any one township shall exceed the sum of three hundred dollars.

Subscriptions to be binding.

SECTION 3. All subscriptions shall be binding on those who make them on their own account, and on the corporations on behalf of which they have been made; but no subscription shall be payable until the sum of two thousand five hundred dollars has been actually subscribed, when said commissioners shall appoint some suitable person as treasurer of the fund so subscribed, and shall require from him sufficient security to insure the faithful performance of his duty.

Duties of treasurer.

SECTION 4. It shall be the duty of said treasurer to receive all the moneys so subscribed, and to pay out the same on orders signed by a majority of said commissioners; he shall keep a correct account of his receipts and expenditures, and shall exhibit them, when requested, to any person interested in said fund.

When commissioners shall enter into contracts.

SECTION 5. When bona fide subscriptions to the amount of two thousand five hundred dollars, and upwards, have been made, and at least one thousand dollars paid into the hands of the treasurer, the said commissioners shall be authorized to enter into contracts for making

Construction.

said artificial road; and they shall cause the same to be made of stone well broken, so as to secure a solid foundation, and of a width of not less than twenty-one feet; and the facing stone thereof shall not be of a larger size than will pass through a ring three inches in diameter; they shall also cause a good earthen or gravel side road to be made on each side of said stone pavement; they shall also have authority to cause shade trees to be planted along the margin of the south footway: *Provided*, A sufficient amount shall be specifically subscribed for that purpose.

Proviso.

Township of Blockley to keep the road in repair.

SECTION 6. When said road shall have been completed, it shall be the duty of the road commissioners of the township of Blockley, to keep the same in good repair; and for this purpose the said commissioners shall appropriate the road tax of the almshouse property; and the Woodlands cemetery company shall annually pay the sum of thirty dollars to the said commissioners, to be appropriated by them towards keeping said road in good repair.

SECTION 7. In case the subscriptions authorized as aforesaid, should not amount to the sum of two thousand five hundred dollars within one year after the passage of this act, it shall be lawful for the Delaware County turnpike road company to extend their road eastward over the bed of said road, to the intersection of Chesnut street, upon the same terms and under the same restrictions as are contained in the act authorizing the said company to be incorporated, and the supplement thereto, passed the third day of April, one thousand eight hundred and forty-six, and to be inspected in like manner when completed: *Provided*, That the said company shall be authorized to increase their capital stock two hundred shares, in order to meet the expenditures necessary to make said extension: *And provided further*, That said cemetery company and said guardians of the poor shall be authorized to subscribe to said stock; and in case either of said corporations subscribe twenty shares of stock, the travel of the managers, agents or workmen of the corporation so subscribing, to and from the said cemetery or almshouse, shall be free from the payment of toll.

When Delaware turnpike road company may make said road.

Proviso.

Proviso.

WILLIAM F. PACKER,  
*Speaker of the House of Representatives.*

WM. WILLIAMSON,  
*Speaker of the Senate.*

APPROVED—The thirtieth day of March, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

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No. 261.

## AN ACT

To authorize Benjamin Kunkel and Abraham Landis to construct a break-water in the Swatara creek.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same*, That Benjamin Kunkel and Abraham Landis be and they are hereby authorized to construct a break-water, or embankment, adjoining and opposite to their lands in the Swatara creek, not to exceed fifty-three feet from low water mark: *Provided*, That no damage shall be done to public or private property, nor create any obstruction to the navigation of said stream.

Authority to construct works.

SECTION 2. That in case the said break-water hereby granted to be erected, shall obstruct the navigation of the Swatara creek, or in any way injure the private rights or property of any person using or navigating the same, or owning any lots or lands on either side of the said creek, or in any manner injure the viaduct bridge of the Lancaster and Harrisburg railroad company, or the aqueduct and bridge of the State erected over the said creek, it shall be lawful for any person or persons

Liable to prosecution.

so injured, to prosecute the owner or owners of such break-water by indictment in the court of quarter sessions for the county of Dauphin, as a common nuisance ; and on conviction, the said court to impose such fine as the judges thereof may think proper, on the owner or owners, not to exceed one hundred dollars ; and such fine shall be paid into the treasury of the commonwealth for the use thereof.

WILLIAM F. PACKER,

*Speaker of the House of Representatives.*

WM. WILLIAMSON,

*Speaker of the Senate.*

APPROVED—The first day of April, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

No. 262.

## A SUPPLEMENT

To an act, entitled “An Act to authorize the New York and Erie railroad company to construct said railroad through Susquehanna county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* so much of an act, passed the twenty-sixth day of March, Anno Domini one thousand eight hundred and forty-six, entitled “A supplement to an act, entitled ‘An Act to authorize the New York and Erie railroad company to construct said road through a portion of Susquehanna county, in the state of Pennsylvania,’ passed the sixteenth day of February, A. D. one thousand eight hundred and forty-one,” as is contained in the words following, viz : “*Provided also, That the said New York and Erie railroad shall cross the Delaware river, into the said county of Pike, at some point between Carpenter’s Point and the glass house: Provided also, That the said New York and Erie railroad company shall permit a connection at or near Carpenter’s Point, in the county of Pike, with any railroad company now chartered, or hereafter to be chartered, by this state,*” be and is hereby amended, so as to read as follows: The said New York and Erie railroad shall cross the Delaware river, into the said county of Pike, at some point between Carpenter’s Point and Bolton Basin: *Provided, That the said New York and Erie railroad company shall, by the first day of October, in the year one thousand eight hundred and fifty-two, erect a permanent and substantial bridge across the river Delaware, between Sim’s Clip and the rope ferry, at Matamoras, with a double track, one of which shall be suitable for laying a railroad track thereon ; which bridge it shall be the duty of the said company, forever thereafter, to keep in good order and repair ; and at which bridge they shall be entitled to charge and receive the same rate of tolls now charged at the bridge across the river Delaware, at the borough of Easton ; and whenever any company, incorporated or to be*

Part of former  
act amended.

Proviso.



incorporated in Pennsylvania, shall construct a railroad to the abutment of said bridge, it shall be the duty of the said New York and Erie railroad company to connect such Pennsylvania railroad, with the said New York and Erie railroad, by means of a branch railroad upon one of the tracks of the said bridge, and thence to their railroad at or near their depot at Port Jervis, in the state of New York; which branch railroad, together with the said New York and Erie railroad, east and west of Carpenter's Point, shall be subject to all the provisions of the third section of the act of the twenty-sixth of March, one thousand eight hundred and forty-six, to which this is a supplement, including the prohibition of discriminating tolls: *Provided*, That no tolls shall be levied on passengers or freight, transported in said railroad cars, for passing over said bridge, after the connection is made with any railroad hereafter to be constructed in Pennsylvania: *Provided further*, That in case any company incorporated in Pennsylvania for the purpose, shall construct a railroad to the Delaware river, between the points above specified, prior to the first day of October, one thousand eight hundred and fifty-two, then said New York and Erie railroad company shall forthwith commence, and with all proper speed construct said bridge and railroad.

SECTION 2. That the said New York and Erie railroad company shall, when said bridge is completed and in use, pay all damages done to private property, as well as any damage, immediate or consequential, which may be sustained by the owner of the rope ferry at Matamoras, his heirs or assigns, in consequence of the construction of said bridge; the last mentioned item in no event to exceed three thousand dollars; and in case the parties cannot agree upon the amount, the same shall be ascertained and paid in the manner provided in the original act to which this is a further supplement: *Provided*, That if the said New York and Erie railroad company shall neglect or refuse to comply with the provisions of this act, the commonwealth of Pennsylvania reserves the right to assess and collect a tax of one dollar upon said company, for each passenger carried on the said New York and Erie railroad in Pennsylvania, until a sum sufficient shall be so collected to construct the bridge, provided for in this act, as well as to pay all damage that may be done to private property, as above provided for. And in case said company shall neglect or refuse to pay the tax hereby imposed, it shall be the duty of the canal commissioners of Pennsylvania to appoint a collector, and adopt such other measures as may be necessary to enforce such payment: *Provided also*, That if the said company shall, at any time, neglect or refuse to comply with, or carry out any of the provisions of this supplement, the legislature reserves the right to repeal the act of the sixteenth of February, one thousand eight hundred and forty-one, and all the supplements thereto; and for the purpose of ascertaining whether there has been any such neglect or refusal, the same proceedings shall be had as is provided in the seventh section of the supplement to which this is a further supplement: *Provided further*, That nothing in this act shall be construed to exonerate the New York and Erie railroad company, from the payment of the ten thousand dollars per annum to the commonwealth of Pennsylvania, as required by existing laws.

WILLIAM F. PACKER,

*Speaker of the House of Representatives.*

WM. WILLIAMSON,

*Speaker of the Senate.*

APPROVED—The first day of April, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

No. 263

## A SUPPLEMENT

To an act to authorize the governor to incorporate a company for making an artificial road from the Monongahela and Coal Hill turnpike road, near the top of Coal Hill, in the county of Allegheny, in a direction towards Canonsburg, in the county of Washington, and for other purposes, passed June seventh, one thousand eight hundred and forty-one.

When to erect  
toll gate.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* the president and managers of the Coal Hill and Upper St. Clair turnpike road company are hereby authorized, when one and a quarter miles or more of their road shall be completed, to erect a gate and levy and collect tolls upon the same, not exceeding the rates in proportion to distance fixed and established by the act to which this is a supplement.

WILLIAM F. PACKER,  
*Speaker of the House of Representatives.*

WM. WILLIAMSON,  
*Speaker of the Senate.*

APPROVED—The first day of April, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

No. 264.

## AN ACT

Authorizing an additional tax upon the borough of Towanda, in the county of Bradford.

Additional tax  
authorized to be  
levied on the bo-  
rough of Towan-  
da.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* in the present and each succeeding year, until the year one thousand eight hundred and fifty-seven, inclusive, the commissioners of the county of Bradford are hereby authorized and required to add the sum of five hundred dollars to the usual county rates and levies of the borough of Towanda, in said county, for the purpose of defraying the expenses of erecting the court house and jail, now in process of building, by said county.

SECTION 2. That the manner of levying and collecting said tax in each year, shall be as follows:—After the assessment shall have been

completed, and the day of appeal shall have passed, the commissioners shall add to the tax of each person assessed in said borough for county purposes, such proportion of five hundred dollars as the tax of such person (exclusive of taxes upon debts due and owing) shall bear to the aggregate amount of taxes levied upon said borough for county purposes, exclusive of taxes upon debts as aforesaid; when such addition shall be made, the duplicate shall be made out, and the warrant issued in manner and form authorized and allowed by law; and all laws applicable to the collection of county rates in the said borough, are hereby made applicable to the collection of the additional tax hereby imposed.

WILLIAM F. PACKER,  
*Speaker of the House of Representatives.*

WM. WILLIAMSON,  
*Speaker of the Senate.*

I do hereby certify that the bill, entitled "An Act authorizing an additional tax upon the borough of Towanda, in the county of Bradford," passed on the ninth day of February, one thousand eight hundred and forty-eight, which has been disapproved by the governor, and returned with his objections to the Senate, in which it originated, was agreed to by two-thirds of the Senate, agreeably to the constitution, on the twenty-second day of March, one thousand eight hundred and forty-eight, and that the foregoing is the act so agreed to by the Senate.

WM. WILLIAMSON,  
*Speaker of the Senate.*

ATTEST:—SAML. W. PEARSON,  
*Clerk of the Senate.*

I do hereby certify that the bill, entitled "An Act authorizing an additional tax upon the borough of Towanda, in the county of Bradford," passed on the tenth day of February, one thousand eight hundred and forty-eight, which has been disapproved by the governor, and returned with his objections to the Senate, in which it originated, was agreed to by two thirds of the House of Representatives, agreeably to the constitution, on the third day of April, one thousand eight hundred and forty-eight, and that the foregoing is the act so approved by the House of Representatives.

WILLIAM F. PACKER,  
*Speaker of the House of Representatives.*

ATTEST:—WILLIAM JACK,  
*Clerk of the House of Representatives.*

No. 265.

## AN ACT

For the relief of Sandford Moore and others.

Preamble.

WHEREAS, On the fifteenth day of October, Anno Domini, eighteen hundred and twenty-three, Rebecca J. Johnston of the village of Newton, in the county of Sussex, in the State of New Jersey, being seized of several tracts or parcels of land in the counties of Indiana, Erie, Armstrong, Clearfield, Lycoming, Luzerne, Susquehanna, Beaver, Venango and Northampton, in the commonwealth of Pennsylvania, executed a power of attorney to Francis Donlevy, of the said village of Newton, New Jersey, authorizing and empowering the said Francis Donlevy, to sell and convey all and every of said lands, or any portion thereof; and also to ask for, demand, receive, sue for and recover all sums of money, debts, dues and demands owing and payable to the said Rebecca:

*And whereas,* Also it is alledged that the said Francis Donlevy did, in pursuance of said authority, proceed to collect moneys, and perform certain other acts authorized by said letter of attorney:

*And whereas,* The said letter of attorney is now supposed to be lost or destroyed, but the same having been recorded in the county of Lycoming, in deed book R, page 523, from which record it appears, that the seal of the court of common pleas of the county of Sussex, New Jersey, purporting to have been affixed to the certificate of E. Green, Jr., clerk of said court, was omitted, from which cause, under the existing laws of this commonwealth, a copy of said record would not be evidence. Now for remedy whereof, and to prevent injustice from being done to those who, in good faith, have paid money or bought lands under said letter of attorney,

Exemplification  
of letter of attorney  
may be given  
in evidence.

*Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That an exemplification of the said letter of attorney, from the said Rebecca J. Johnston, to the said Francis Donlevy, so recorded in the recorder's office of Lycoming county, in deed book R, page 523, be made legal evidence in all suits and actions brought, or to be brought, wherein the same could have been legally admitted, had the seal of the said court of common pleas of the said county of Sussex, state of New Jersey, been affixed thereto.

WILLIAM F. PACKER,  
*Speaker of the House of Representatives.*

WM. WILLIAMSON,  
*Speaker of the Senate.*

APPROVED—The fifth day of April, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

No. 266.

## AN ACT

Changing the time when certain officers shall make their returns.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That from and after the first day of December next, the several prothonotaries or clerks of the supreme court, of the courts of nisi prius, of the courts of common pleas, of the district courts, of the courts of oyer and terminer and general jail delivery, of the courts of quarter sessions of the peace, of the orphans' court, the registers of wills, the recorders of deeds and notaries public in this commonwealth, and all other officers of this commonwealth who are now or who may hereafter be required to render accounts of fees received by them, as well as of the state tax on original writs, amicable actions, writs of certiorari, judgments by confession or otherwise, transcripts of judgments, deeds, mortgages or any other instruments of writing, letters testamentary and letters of administration, shall make out and transmit to the auditor general, during the month of December in each and every year, their respective accounts, to be computed for the year ending with the thirtieth day of November then next preceding, and shall pay over to the state treasurer, within the said specified time, the several amounts that may be due to the commonwealth; and any officer failing to render his account, and make payment as herein required, shall not be entitled to receive any commission on the same; and the auditor general shall charge such officer interest at the rate of twelve per cent. per annum upon the amount due the commonwealth, until paid.

Prothonotaries,  
clerks, registers  
and recorders to  
make returns in  
December annu-  
ally.

To pay amount  
into the state  
treasury.

SECTION 2. That if any of the said officers shall neglect or refuse to settle and pay over the full amount due to the commonwealth to the state treasurer, at the times hereinbefore directed, the auditor general shall direct the proper attorney for the commonwealth, in the respective county, or other competent attorney, to sue for and recover the same, without any stay of execution, and without allowing to such delinquent officer any compensation or commissions. All laws not hereby altered, or that are not inconsistent herewith, shall be and remain in force.

Upon refusal or  
neglect, liable to  
suit and recovery.

WILLIAM F. PACKER,  
*Speaker of the House of Representatives.*

WM. WILLIAMSON,  
*Speaker of the Senate.*

APPROVED—The fifth day of April, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

No. 267.

## AN ACT

Establishing the township of Cherry Grove, in the county of Warren, a separate election district, and to change the place for holding the election in Beaver township, Columbia county, Dallas township, Lehigh county, and Doylestown township, Bucks county.

Warren.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* the township of Cherry Grove, in the county of Warren, shall form and constitute an election district, and the qualified electors thereof shall hereafter hold their general and township elections at the school house near Josiah Farnsworth, in said township; and that Josiah Farnsworth act as judge, and Ira S. Patterson and Henry C. Aber, as inspectors of the first election.

Columbia.

SECTION 2. That hereafter the qualified voters of Beaver township, in Columbia county, shall hold their general and township elections at the house now occupied by Christian Shuman, in said township.

Lehigh.

SECTION 3. That the first section of an act, entitled "An Act regulating election districts," which changes the place of holding the general elections for Dallas township, Lehigh county, and the eleventh section of said act, which changes the place of holding the general and township elections in Doylestown township, Bucks county, shall not take effect until from and after the first day of March next.

Bucks.

WILLIAM F. PACKER,  
*Speaker of the House of Representatives.*

WM. WILLIAMSON,  
*Speaker of the Senate.*

APPROVED—The fifth day of April, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

No. 268.

## AN ACT

Relating to certain highways, road taxes and township supervisors.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the commissioners of roads and highways of the townships of Kinzua and Meade, in the county of Warren, are hereby authorized to lay such tax upon the taxable property therein, and collect the same, as they shall deem necessary to place and keep the roads in said townships in good order and repair, not exceeding two cents on the dollar, in addition to the amount now authorized to be laid and collected by law: *Provided,* That this act shall continue in force for the period of four years, and no longer.

Road commissioners of Kinzua and Meade townships, in Warren county, authorized to levy a tax for the repair of roads.

SECTION 2. That hereafter no order drawn by a supervisor of highways, for the townships of Branch, Norwegian, Schuylkill and Blythe, in Schuylkill county, in his own favor for services rendered by himself, for work done upon the public highways of such township, by such supervisor as aforesaid, shall be deemed good and valid, unless such order state in the body thereof the consideration for which the order is drawn, and the same to be countersigned by the town clerk of said township, and an approval thereof, endorsed thereon, by a majority of the township officers.

Relating to pay of supervisors in certain townships, Schuylkill county.

SECTION 3. That the act, entitled "An Act to authorize the governor to incorporate a company to make a lock navigation on the Youghiogheny river," approved the thirtieth day of April, one thousand eight hundred and forty-four, be and the same is hereby revived; and that the time limited by the first section of said act, for opening books of subscription to stock of said company, be and the same is hereby extended to the first Monday of May, one thousand eight hundred and forty-nine; and that the times mentioned by the fifth section of said act, for the commencement and completion of said improvement, be and the same are hereby extended for another period of five and ten years, respectively, from and after the passage of this act.

Youghiogheny navigation company, act revived and extended.

SECTION 4. That when two hundred or more shares of the capital stock of said company shall have been subscribed, the commissioners, or a majority of them, shall certify the same to the governor, under their hands and seals, whereupon the governor shall grant letters patent, according to the provisions of the act to which this is a supplement.

Governor to grant letters patent.

SECTION 5. That it shall be lawful for the said Connellsville and West Newton navigation company, to sell and convey, or lease for any term of years, all or any part of the water power created by the erection of the dams authorized by the act aforesaid.

Power to sell or lease water power.

SECTION 6. That any part of said act which is herewith supplied, be and the same is hereby repealed.

Repeal.

SECTION 7. That it shall and may be lawful for Jonah Rogers, of the township of Fox, in the county of Elk, hereafter to appropriate one-half of his assessed road tax annually, in work upon the road leading from his dwelling to the township road, near the residence of Mrs. Hays, in said township.

Jonah Rogers of Fox township, Elk county, authorized to apply a part of his road tax to repairs.

Supervisors of Chester township, Delaware county, continued.

SECTION 8. That Joseph Tussey and Joseph H. Hinkson, of Chester township, Delaware county, are hereby authorized and required, to serve out the times for which they were respectively elected to serve as supervisors of said township; any construction of the act of March, one thousand eight hundred and forty-eight, respecting the public roads in said township, to the contrary notwithstanding.

Supervisors in Clearfield county, to keep in repair the Curwensville and Kittanning turnpike road.

SECTION 9. That the supervisors of the townships through which the Curwensville and Kittanning turnpike road passes, between Curwensville and Moore's mills, in Clearfield county, be and they are hereby authorized and required, to keep said road in repair, in the same manner as other roads are required to be kept in repair under existing laws of this commonwealth, so long as the Curwensville and Kittanning turnpike road company shall permit the public the use of said road free of tolls or charge.

Supervisors restricted in the subscription to the stock of the Spruce Creek and Water Street turnpike road.

SECTION 10. That the number of shares of stock authorized to be subscribed for, by the supervisors of public highways, by the sixteenth section of the act of thirteenth of April, one thousand eight hundred and forty-six, entitled "An Act to authorize the governor to incorporate the Spruce Creek and Water Street turnpike road company," shall be limited to the number of shares already subscribed by said supervisors of highways through which the said turnpike road may pass, and no additional or other subscription for stock shall be made by said supervisors, by virtue of said sixteenth section.

Damages caused by laying out and widening Prince street and Church alley, in Lancaster city, to be paid by said city.

SECTION 11. That all costs and damages (if any) incident to laying out and opening South Prince street, and widening Church alley, in the city of Lancaster, be paid out of the funds of said city.

Commissioners appointed to lay out a State road from Butler and Freeport turnpike road to mouth of Deer creek.

SECTION 12. That David Dougal and Mathias Cypher, junior, of Butler county, and Francis Beaty, of Allegheny county, be and they are hereby appointed commissioners, to view and lay out a state road from a point on the Great Western and Bakerstown state road, where the same crosses the Butler and Freeport turnpike road, in Butler county, via. Saxonburg, in said county, to the mouth of Deer creek, in Allegheny county, intersecting the Freeport and Pittsburg turnpike road; and the said commissioners named in this section, are authorized and directed to lay out and locate said road under the same provisions and restrictions as is contained in the second, third, fourth, fifth and sixth sections of the act, entitled "An Act authorizing the laying out of a state road from Bakerstown, in Allegheny county, through Butler county to the Great Western iron works, in Armstrong county," passed the fifteenth day of March, one thousand eight hundred and forty-seven.

Duties.

Real estate of Berks county, in Cumru township, liable to road taxes.

SECTION 13. That the real estate belonging to the county of Berks, and situated in Cumru township, in the said county, shall be liable to the payment of road taxes in the said township, and shall be assessed for that purpose, in the same manner as the real estate in the said township owned by individuals.

WILLIAM F. PACKER,  
*Speaker of the House of Representatives.*

WM. WILLIAMSON,  
*Speaker of the Senate.*

APPROVED—The fifth day of April, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.



No. 269.

## AN ACT

Extending the improvements in the borough of Pottstown, in the county of Montgomery, and for other purposes.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* L. E. Corson, Joseph Royer, Isaac Linderman and Doctor Jacob Knipe, be and they are hereby appointed commissioners, and they, or any three of them being duly sworn or affirmed to perform their duties with impartiality, shall have full power and authority to lay out any additional street or streets within the borough of Pottstown, which they shall think proper for the improvement thereof, or necessary for the convenience of its citizens or the public; and shall also have full power and authority to vacate, alter, widen and extend such streets, lanes and alleys in the said borough, as are already laid out, taking care in the performance of said trust, to do as little damage to private property as possible; and the said commissioners shall have authority to name the streets so laid out by them, and also those within said borough not already named; and shall make report of their proceedings to the court of quarter sessions of said county, within six months from the passage of this act, which report shall be accompanied by a plan or plot of all the streets, lanes and alleys within the said borough, as well of those already laid out, as those laid out by them in pursuance of this act, designating therein the alterations and extensions by them made, and the width and names of the respective streets, lanes and alleys, with such other matters as may be necessary, in order to form a complete plot of the said borough; which report the said court, in their discretion, may order to be amended or corrected, and when finally approved and confirmed, shall be recorded in the recorder's office of said county, and a certified copy thereof shall be evidence in all matters in which such record is pertinent; and the streets, lanes and alleys so laid out, shall from thenceforth be opened for public use, in the same manner as if they had been laid out by an order of the court in the usual way; and each of the said commissioners shall receive the sum of one dollar and fifty cents per day, for each and every day they shall be employed in their duties as aforesaid, which shall be paid by the corporation of said borough: *Provided, That* in case of alleys, the consent of three-fourths of the owners of lots shall be necessary in the squares where alleys may be wanted.

Commissioners to lay out additional streets, &c. in the borough of Pottstown.

Report.

When confirmed, to be recorded.

Compensation.

Proviso.

SECTION 2. Any person who shall sustain any damage by the laying out and opening or widening of any street, lane or alley within the said borough, by virtue of the powers given by this act, shall have all the rights and remedies provided by the fourteenth section of the act, entitled "An Act for laying out, making and keeping in repair the public roads and highways within this commonwealth, and for laying out private roads," passed the sixth day of April, one thousand eight hundred and two.

Assessment of damages regulated.

SECTION 3. Should either of said commissioners die or refuse to serve, the court of quarter sessions of the county of Montgomery shall, upon supplied.

Vacancies, how supplied.

the petition of the town council of said borough, have full power to appoint a suitable person or persons to fill the vacancy occasioned by such death or resignation.

**SECTION 4.** The council of said borough, when assembled together for that purpose, shall have full power and authority to make and ordain such laws and ordinances, not inconsistent with the constitution of this commonwealth, as shall be necessary for lighting, watching, watering, paving, repairing, pitching and cleaning all the streets, lanes and alleys contained in said plot, as recorded in the recorder's office of the county, agreeably to the first section of this act; and also for removing nuisances therein; the same to be put in force and execution by the proper officers, under such penalties as they may prescribe.

**SECTION 5.** That the plan entitled, the plan of the survey and regulation of the Kensington districts of the Northern Liberties, made by Benjamin Moore, and returned by him to the board of commissioners, and approved by that board the first day of February, Anno Domini, one thousand eight hundred and forty-eight, containing so much of the said district of Kensington, as lies between the northern and southern boundaries thereof, and between the western boundary and the eastern side of the Philadelphia and Bristol turnpike, named in said plan, the Frankford road, with the lines of the streets so described, and particularly delineated in said plan, as thus are in position on the plans that are already confirmed by the court of quarter sessions, be and the same is hereby confirmed, and declared to be the only plan for the regulation of the streets and water courses within the boundaries therein prescribed, and the same to be a legal record forever unalterable, and that it be deposited in the office of the clerk of quarter sessions, and that a true copy thereof be kept in the said district where the commissioners thereof may direct: *Provided*, That nothing contained in this section shall be construed to authorize any change in the location or direction of Sixth street, which shall be opened according to existing laws.

**SECTION 6.** That so much of Gum street, as lies between Cliff and Cook streets, in the city of Pittsburg, be and the same is hereby vacated.

**SECTION 7.** That the commissioners of the Kensington district, in the Northern Liberties, in the county of Philadelphia, shall have full power and authority, on the application of the majority of the owners of the ground fronting on any street, road or alley within the limits of said district, to introduce the water in pipes of conduit to any distance along said street: *Provided*, That the commencement and termination of the pipes shall be at the intersection or interception of some street, road or alley laid down upon the confirmed plan of the district.

**SECTION 8.** That all that portion of the township of Moyamensing, in the county of Philadelphia, which lies eastward and southward of the following line, to wit: Beginning at a point on the river Delaware, two hundred feet south of M'Kean street, as laid out, but not yet opened; thence westwardly along a line parallel with, and at the distance of two hundred feet southward of said M'Kean street, to a point two hundred feet westward of the west side of Broad street; thence northward along a line parallel with, and at the distance of two hundred feet westward of said Broad street, to a point two hundred feet southward of the south line of Franklin street, as laid out, but not yet opened; thence westward on a line parallel with, and at the distance of two hundred feet southward of said Franklin street, to low water mark on the river Schuylkill, shall be added to and become a part of the township of Passyunk, in said county; and all that portion of the township of Passyunk which lies westwardly and northwardly of said

Powers of town council increased.

Plan of Kensington districts, of Northern Liberties, confirmed.

Proviso.

Part of Gum street in Pittsburg, vacated.

Commissioners of Kensington district may introduce water into said district.

Proviso.

Boundaries of Moyamensing and Passyunk townships changed.

line, shall be added to and become a part of the township of Moyamensing.

SECTION 9. Broad street shall be the western boundary of the Third and Fourth wards of the township of Moyamensing; and the said Fourth ward shall be extended southward to the southern boundary of said township, as fixed by the eighth section of this act; and all that portion of said township lying west of Broad street, shall be a ward, to be denominated the Fifth ward. Third, Fourth and Fifth wards.

SECTION 10. The assessor elected by the voters of Passyunk, in March, one thousand eight hundred and forty-eight, shall make the assessment of the township of Passyunk, as fixed and established by this act; and the assessor for the Fifth ward, Moyamensing, as established by this act, for the year one thousand eight hundred and forty-eight, shall be appointed in the manner prescribed by law in case of a vacancy. Assessors.

SECTION 11. The general, special and ward elections in Fourth ward, Moyamensing, as established by this act, shall be held at the house now occupied by Mahlon Gilbert, at the intersection of Tenth street and Passyunk road, in said ward; and those in the Fifth ward, at the house now occupied by Daniel Young, at the corner of Buck road and Long lane, in said Fifth ward; and the election officers for the general and presidential elections, in the year one thousand eight hundred and forty-eight, and the ward election, in March, one thousand eight hundred and forty-nine, for the said Fifth ward, shall be appointed as follows, viz: The judge of elections of Fourth ward, Moyamensing, shall appoint a judge, and each inspector of said Fourth ward shall appoint an inspector, to conduct said elections; the judge and inspectors thus appointed shall be qualified voters of said Fifth ward, and shall have all the power vested by law in election officers of this commonwealth, and be subject to like penalties. Places of holding elections fixed.

SECTION 12. The corporate title of the township of Moyamensing shall hereafter be "The commissioners and inhabitants of the district of Moyamensing;" and all laws of this commonwealth now in force and operation, relating to the township of Moyamensing and to the ninth section of the first school district, shall be construed to apply and relate to the district of Moyamensing, as fixed and established by the provisions of this act. Corporate style.

SECTION 13. Hereafter the persons elected at each and every general election, to serve as commissioners of said district, shall meet with those members of the board whose term has not expired, on the Monday next succeeding their election, between the hours of ten and twelve in the forenoon of said day, at the usual place of meeting of said board, and being sworn or affirmed in the usual manner, shall then enter upon the duties of their office; and the term of each commissioner of said district shall expire on the second Tuesday of October, in the third year next succeeding his election; and so much of the fifth section of the act of assembly, approved February thirteenth, one thousand eight hundred and forty, entitled "An Act dividing the incorporated township of Moyamensing," et cetera, as is inconsistent herewith, is hereby repealed. Election of commissioners.

SECTION 14. It shall not be lawful for any commissioner of the district of Moyamensing to have or hold any pecuniary interest in any contract with the said district, nor to receive any compensation whatever, directly or indirectly, individually or as a partner in trade, for any work or labor done, or services performed for said district. Term. Commissioners not to be interested in contracts, &c.

SECTION 15. The commissioners of Moyamensing shall have full power and authority to pave any one of the streets running westward Pave streets.

Constables and  
aldermen.

from the west side of Broad street to the river Schuylkill, and charge the expenses thereof, in the usual manner, to the owners of property fronting on such street. The court of quarter sessions of the county of Philadelphia shall appoint a constable for the Fifth ward, Moyamensing, as established by this act, who shall serve until the election, in March, one thousand eight hundred and forty-nine, and until his successor is chosen and qualified in the usual manner; and the alderman elected in Fourth ward, Moyamensing, in March, one thousand eight hundred and forty-five, shall be the alderman for Fifth ward, Moyamensing, as established by this act, until the expiration of his commission, when the qualified voters of said Fifth ward shall elect an alderman.

Commissioners of  
Moyamensing to  
pave Gray's Fer-  
ry road.

Proviso.

SECTION 16. The board of commissioners of Moyamensing shall proceed without delay to curb and pave the Gray's Ferry road from Cedar to Federal streets, and to charge the expense thereof to the owners of property fronting thereon, according to the existing laws authorizing the pavements of streets and alleys within the township of Moyamensing: *Provided*, That before any portions of said road shall be graded and paved, the consent, in writing, of a majority of the property owners on the line thereof, shall first be obtained thereto, by the commissioners of the district of Moyamensing.

Borough of Con-  
neautville to em-  
ploy surveyor to  
define the bound-  
ary lines.

Proviso.

SECTION 17. That the burgess and town council of the borough of Conneautville, in the county of Crawford, shall employ a competent surveyor, to survey, mark and define the boundary line of said borough, and extend the present boundary in such manner as he, the said surveyor may think proper, under the direction and approbation of the burgess of said borough; the said surveyor shall make a report of his survey, and a draft of the same, to the burgess and town council of said borough; and if the burgess and town council approve of the report, then the boundary so established shall be valid to all intents and purposes in law: *Provided*, This shall be so surveyed on or before the first day of September, A. D. one thousand eight hundred and forty-eight.

Town council of  
the borough of  
Milton, shall  
have power by  
ordinance to  
turnpike streets,  
&c., pave and  
curb foot walks.

File liens.

Proviso.

SECTION 18. From and after the passage of this act, the town council of the borough of Milton, Northumberland county, shall have power, by ordinance, to turnpike or M'Adamize all such streets, lanes and alleys within the limits of the said borough, as they may deem proper; also, to require and direct the owner or owners of lots fronting on the said public streets, to pave and curb the side or foot walks thereof; and on the failure or neglect of any person or persons owning lots as aforesaid, to pave and curb the side or foot walks in front of his or their lots, agreeably to the requirements of such ordinance, then to cause the same to be paved and curbed at the expense of the said borough, and the owner or owners of the said lots shall be liable to repay the expenses thereof to the said borough; and it shall be lawful for the said council to file their lien for the same, in the common pleas court of Northumberland county, which said lien shall have priority to any mortgage, judgment, recognizance or liability to which the said lot or lots may become liable after the passage of this act; and the amount secured thereby may be recovered by scire facias, as debts are recoverable under the mechanic lien law, in the corporate name of the said borough: *Provided*, That such lien shall be filed within ninety days after such expense is incurred by the said borough, and recite the name of the owner, or reputed owner, and the occupier or occupiers of such lots.

Power to borrow  
money.

SECTION 19. And the said council shall also have power to borrow, for the use of the said borough, such sum or sums of money as they may deem necessary for the purposes specified in the preceding section, and to issue certificates of loan for the amount so borrowed, to the per-

sons respectively lending the same; and the said certificates, signed by the chief burgess of the said borough, and attested by the president of the said town council, shall be binding and obligatory upon the said corporation of Milton; and the said council also shall have power to assess and collect such taxes as may be necessary to commence, carry on and complete the said improvements, and repay all moneys so borrowed, with the interest thereon: *Provided*, That the assessments of the taxes aforesaid, upon the real and personal property within the said borough, shall be made upon the valuation of property taken for the purposes of county rates and levies; and so much of the act incorporating the said borough of Milton, and also of the acts supplementary thereto, as is hereby altered or supplied, is hereby repealed: *And provided further*, That the provisions of this and the preceding section, and the powers herein granted, shall extend to and be vested in the town council of the borough of Northumberland; and so much of the act incorporating said borough of Northumberland, and the acts supplementary thereto, as is hereby altered or supplied, is hereby repealed.

Assess taxes.

Proviso.

Proviso.

Powers of the borough of Northumberland extended.

SECTION 20. The high constable of the borough of Northumberland is hereby authorized and empowered to serve all process in law which the constable of said borough is now authorized and empowered to do by law, and shall be entitled to charge and receive the same fees for his services as is now allowed to be charged by the constable for similar services; and so much of the act incorporating the said borough of Northumberland, and also the acts supplementary thereto, as is hereby altered or supplied, is hereby repealed.

High constable of borough of Northumberland authorized to serve all process, &amp;c.

WILLIAM F. PACKER,  
*Speaker of the House of Representatives.*

WM. WILLIAMSON,  
*Speaker of the Senate.*

APPROVED—The fifth day of April, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

No. 270.

## AN ACT

For the relief of Adam Diller, late adjutant general.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same*, That the account of Adam Diller, late adjutant general of the state, be and the same is hereby referred back to the auditor general and state treasurer, with directions to them to re-settle the said account, and to allow the said Adam Diller whatever compensation they may consider just and reasonable, in view of the advantages which the state has derived from any services he rendered while acting as adjutant general aforesaid;

Account of Adam Diller, referred to the auditor general and state treasurer for re-settlement.

Appeal.

Proviso.

and that it shall be lawful for the said Adam Diller, within sixty days after such re-settlement and notice thereof, to appeal therefrom to the court of common pleas of Dauphin county, by entering bail for costs only; and upon the trial of said appeal before the court and jury, it shall be lawful to make such allowances of compensation to the said Adam Diller, for services rendered in his capacity of adjutant general as aforesaid, and advantages accruing therefrom to the said commonwealth, as may appear just and reasonable: *Provided*, That the lien or liens entered upon the former settlement of the said Adam Diller's account against his real estate, shall be and remain in full force for such amount as shall be found to be due to the commonwealth by the said Adam Diller, on the final settlement of his said account.

WILLIAM F. PACKER,  
*Speaker of the House of Representatives.*

WM. WILLIAMSON,  
*Speaker of the Senate.*

APPROVED—The fifth day of April, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

No. 271.

## AN ACT

To annul the marriage contract between Edward Lay and Aurelia, his wife.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That the marriage contract entered into between Edward Lay and Aurelia, his wife, both of the county of Bradford, be and the same is hereby annulled and made void, and the parties released and discharged from said contract and from all duties and obligations arising therefrom, as fully, effectually and absolutely, as if they had never been joined in marriage.*

WILLIAM F. PACKER,  
*Speaker of the House of Representatives.*

WM. WILLIAMSON,  
*Speaker of the Senate.*

APPROVED—The fifth day of April, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

No. 272.

## A N A C T

For the relief of Benjamin Bear and William Mackey.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* the canal commissioners be and they are hereby authorized and required, to examine the claims of Benjamin Bear and William Mackey, for damages alledged to have been sustained by reason of the recent breaches on the West Branch division of the Pennsylvania canal, and make report to the next legislature.

WILLIAM F. PACKER,  
*Speaker of the House of Representatives.*

WM. WILLIAMSON,  
*Speaker of the Senate.*

APPROVED—The fifth day of April, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

No. 273.

## A N A C T

Relating to the estate of Mary Forepaugh, late of the Northern Liberties, in the county of Philadelphia, widow, deceased.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* William F. Forepaugh and William F. Ireland, executors of the last will and testament of the said Mary Forepaugh, deceased, and the survivor of them, be and they are hereby authorized and empowered to sell in fee simple, or for such estate as the said testatrix had therein at the time of her decease, any and all ground rent or ground rents, or other real estate not specifically devised by her in her said will, either at public or private sale, or to dispose of such real estate upon ground rents, redeemable or irredeemable, and to convey the same to the purchaser or purchasers thereof, by deed or deeds, which shall be as good and valid in law as if made by the said Mary Forepaugh if she were Power to sell.

now living; or in case the tenant or tenants owning the real estate, charged with the payment of any such ground rents, shall be desirous of extinguishing the same, and the time for the doing thereof shall not be expired, it shall and may be lawful for the said executors, or the survivor of them, upon receipt of the principal sum or equivalent for such ground rents, and any arrears thereof, to seal and execute a sufficient release and discharge of such ground rents, or any of them, at the proper costs and charges of the person or persons requiring the same: *Provided*, That the proceeds arising from the exercise of the said powers hereby given, if the same be ground rents, shall be held, or if the same be money, be re-invested either in real estate or otherwise, for and upon the same uses, trusts and purposes as the same were held under said will, but that the purchaser or purchasers shall be in no wise responsible for the proper application of the purchase money, or any part thereof, and shall hold the same freed and discharged of all and every use and trust created by said will: *And provided also*, That all such re-investments shall be made under the direction and sanction of the orphans' court of Philadelphia county.

Proviso.

Proviso.

WILLIAM F. PACKER,

*Speaker of the House of Representatives.*

WM. WILLIAMSON,

*Speaker of the Senate.*

APPROVED—The fifth day of April, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

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No. 274.

## AN ACT

To authorize the construction of a railroad from the iron works in Providence township, Luzerne county, to certain iron ore lands in the townships of Providence and Lackawanna.

Authorizing certain persons in Luzerne county to construct a railroad from their iron works to their iron ore lands.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same*, That Selden S. Scranton, George W. Scranton, Joseph H. Scranton and Joseph C. Platt, and their associates, heirs and assigns doing business in the township of Providence, county of Luzerne, and state aforesaid, shall have the right to construct a single or double track railroad from their iron works and furnaces in said Providence township, to their iron ore lands in the townships of Providence and Lackawanna, a distance of about five miles, to be constructed along or near the course of the Stafford Meadow brook, and upon lands now unimproved; said road to be for their accommodation in transporting their coal, limestone, iron ore, and other personal property.



SECTION 2. That said road shall not pass within fifty feet of any Restriction. building on said line of road, without the consent of the owner or owners thereof, and shall not interfere with any water rights or privileges upon said Stafford Meadow brook.

SECTION 3. That in case of disagreement between the property holders on said line of road, and said Scrantons and Platt, the mode Assessment of damages. of assessing damages and all proceedings in regard thereto, shall be the same, in all respects, as is provided for in sections second and third of an act of assembly, entitled "An Act to authorize the Bloomsburg railroad and iron company to construct a railroad from the North Branch canal to their iron works on Fishing creek," passed the fourteenth day of April, one thousand eight hundred and forty-five.

WILLIAM F. PACKER,  
*Speaker of the House of Representatives.*

WM. WILLIAMSON,  
*Speaker of the Senate.*

APPROVED—The fifth day of April, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

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No. 275.

## AN ACT

To provide for the erection of a house for the employment and support of the poor, in a district composed of the townships of Brown, Armagh, Union and Meno, in the county of Mifflin.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That Brown, Armagh, Union and Meno townships, in the county of Mifflin, Erected into a district for the support of the poor. be and are hereby erected into a district, for the purpose of supporting the poor in said townships; and that John Peachy, William Thompson, William Wilson and James Brisben, be and are hereby appointed commissioners, whose duty it shall be, or a majority of them, on or before the tenth day of November, Anno Domini one thousand eight hundred and forty-eight, to determine upon and purchase such real estate as they shall deem necessary for the accommodation of the poor Purchase and hold real estate. of said district; and it shall be lawful for said commissioners, or a majority of them, to take conveyances therefor, in the name and for the use of the corporation mentioned in the third section of this act; and they shall certify their proceedings therein, under their hands and seals, to the clerk of the court of quarter sessions of Mifflin county, to be filed in his office; and at the next township election, the qualified electors of said townships shall elect three reputable citizens of the said district, to be directors of the poor and of the house of employment for the poor. the said district, for the ensuing year; and one of the judges of the

election of each township shall, on the first Monday after the said election, meet at the house now occupied by Samuel W. Stewart, in Readsville, and after having cast up the number of votes given within said district, for directors of the poor and of the house of employment for said district, and so having ascertained the three persons having the highest number of votes, shall certify under their hands and seals, the names of the persons so elected directors, to the clerk of the court of quarter sessions of the said county, who shall file the said certificate in his office, and forthwith give notice, in writing, to said directors, of their being elected; and the said directors shall meet at the house now occupied by Samuel W. Stewart, in Readsville, in the said district, on the second Monday of April, ensuing their election, and divide themselves by lot, into three classes, the place of the first to be vacated at the expiration of the first year, of the second, at the expiration of the second year, of the third, at the expiration of the third year, so that those who shall be chosen after the first election, and in the mode above described, may serve for three years, and one-third may be chosen annually.

Classification.

Oath of office.

Penalty for refusing or neglecting to serve.

SECTION 2. Every director elected in the manner aforesaid, or appointed as is directed by the eleventh section of this act, shall within ten days after he is notified of such election or appointment, and before he enters upon the duties of the said office, take an oath or affirmation, which any justice of the peace of the said county is hereby authorized to administer, that he will discharge the duties of the office of director of the poor for the said district, truly, faithfully and impartially, to the best of his knowledge and ability; and in case of neglect or refusal to take the said oath or affirmation within the time aforesaid, he shall forfeit and pay the sum of ten dollars for the use of the poor of the said district; which fine shall be recovered by the directors for the time being, as debts are or shall be by law recoverable; and the directors, qualified as aforesaid, are hereby authorized to administer an oath or affirmation, in any case when it shall be necessary, in relation to the duties of the office.

Corporate body.

Style.

Privileges, powers and duties.

SECTION 3. The said directors shall forever hereafter, in name and in fact, be one body politic and corporate in law, to all intents and purposes whatsoever, relative to the poor of the said townships of Brown, Armagh, Union and Meno, and shall have perpetual succession, and may sue and be sued, plead and be impleaded, by the name, style and title of the directors of the poor and of the house of employment for the district composed of the townships of Brown, Armagh, Union and Meno, in the county of Mifflin, and by that name shall and may receive, take and hold any lands, tenements and hereditaments, not exceeding the yearly value of five thousand dollars, and any goods and chattels whatsoever, of the gift, alienation or bequest of any person or persons whatsoever; to purchase, take and hold any lands and tenements within said district, in fee simple or otherwise, and erect suitable buildings, for the reception, use and accommodation of the poor of said district; to provide all things necessary for the lodging, maintenance and employment of said poor; to appoint a treasurer annually, who shall give bond, with full and sufficient security, for the faithful discharge of the duties of his office, and at the expiration thereof, for the payment and delivery over to his successor in office, of all moneys, notes, bonds, books, accounts and other papers, to the said corporation belonging, which shall then be remaining in his hands, custody and possession; and the said directors shall have power to employ, and at pleasure remove a steward or stewards, matron or matrons, physician or physicians, surgeon or surgeons, and all other attendants that may be neces-

sary for the said poor, respectively; to bind out apprentices, so that such apprenticeship may expire, if males, at or before the age of twenty-one years; if females, at or before the age of eighteen years: *Provided*, Proviso. That no child shall be bound out for a longer time than until he arrives at the age of eighteen years, unless he be bound out to a trade other than a farmer: *And provided*, Proviso. In all cases the person to whom they are bound, be required to give the child at least three months' schooling in each year: *Provided also*, Proviso. That no child shall be bound without the limits of the state; and the said directors shall exercise and enjoy all such other powers now vested in the overseers of the poor, as are not herein granted or supplied; and the said directors are hereby empowered to use one common seal in all business relating to the said corporation, and the same at their pleasure to alter and renew.

SECTION 4. That said directors, as soon as may be after their election and organization as aforesaid, shall make an estimate of the probable expense of purchasing the lands and buildings, of erecting the necessary building or buildings and furnishing the same, and maintaining the poor within the said district for one year; whereupon the directors of the district shall and they are hereby authorized and required, to levy and assess a tax or taxes on the taxable inhabitants of said district from time to time, for such sum or sums of money as may be necessary for the purposes aforesaid, regulating the same according to the duplicates levied and assessed on said district for county purposes; and are hereby authorized to procure, on loan or credit of the taxes herein directed to be levied, payable in instalments, with interest, out of the taxes thus raised and collected, such sum or sums of money as may be necessary for the purposes aforesaid. Estimate of expenses, &c. Levy a tax. Borrow money.

SECTION 5. It shall be the duty of the said directors, on or before the first day of November in each and every year, to make an estimate of the probable expense of the poor and poor house for one year; and it shall be the duty of said directors to assess and cause to be collected the amount of said estimate, which shall be paid by the collectors into the hands of the treasurer; and all moneys drawn from the treasury, shall be by orders on said treasurer, signed by the directors; and the said directors shall, at least once in every year, render an account of all moneys by them received and expended, to the auditors appointed to audit and settle the county accounts, subject to the same penalties, rules and regulations as are by law directed relating to the accounts of the county commissioners; and shall, at least once in every year, lay before the court of quarter sessions and grand jury of said county, a list of the number, ages and sex of the persons maintained and employed in the said house of employment, or supported or assisted by them elsewhere, and of the children by them bound out to apprenticeship as aforesaid, with the names of their masters, mistresses and their trade, occupation or calling; and shall at all times, when thereunto required, submit to the inspection and free examination of such visitors as shall from time to time be appointed by the court of quarter sessions of the said county, all their books and accounts, together with the rents, interests and moneys payable and receivable by the said corporation; and also an account of all sales, purchases, donations, devises and bequests as shall have been made by or to them. Annual settlement of accounts. To be settled by the auditors. Report to court.

SECTION 6. As soon as the said buildings shall have been erected or purchased, and all necessary accommodations provided therein, notice shall be sent, signed by any two of the said directors, to the overseers of the several townships of the district, requiring them forthwith to bring the poor of their respective townships to said house of employment; which order the overseers are hereby enjoined and required to When the poor shall be received.

comply with, or otherwise to forfeit the costs of all future maintenance, except in cases where by sickness, or any other sufficient cause, any poor person cannot be removed; in which case the said overseers shall represent the same to the nearest justice of the peace, who, being satisfied of the truth thereof, shall certify the same to the said directors, and at the same time issue an order, under his hand and seal, to the said overseers, directing them to maintain such poor until such times as he or she may be in a situation to be removed, and then to convey the said pauper and deliver him or her to the steward or keeper of the said house of employment, together with the said order; and the charge and expense of such temporary relief and of such removal, shall be paid by the said directors, at a reasonable allowance.

Provide for the poor.

SECTION 7. The said directors shall from time to time receive, provide for and employ, according to the true intent and meaning of this act, all such poor and indigent persons as shall be entitled to relief, or shall have gained a legal settlement in the said district, and shall be sent there by an order or warrant for that purpose, under the hands and seals of any two justices of the peace, directed to any constable of the said county of Mifflin, or to the overseers of the proper township, in any other county in this commonwealth; and the said directors are hereby authorized, when they shall deem it proper and convenient to do so, to permit any person or persons to be maintained elsewhere: *Provided*, The expense of their maintenance does not in any case exceed that for which they could be maintained at the poor house of the said district.

Proviso.

Quorum.

Powers of board.

SECTION 8. The said directors, or any two of them, who shall be a quorum in all cases to do business, shall have full power to appoint collectors, treasurer, and also to make and ordain such ordinances, rules, regulations and by-laws, as they shall think proper, convenient and necessary for the government and support of the poor and house of employment aforesaid, and of the revenues thereunto belonging, and of all persons as shall come under their cognizance: *Provided*, The same be not repugnant to this law or the constitution, or any of the laws of this state, or of the United States: *And provided also*, That the same shall not have any force or effect, until they shall have been submitted to the court of common pleas for the time being of the county of Mifflin, and shall have received the approbation of the same.

Proviso.

Proviso.

Monthly meetings.

SECTION 9. A quorum of the said directors shall, and they are hereby enjoined and required to meet at the said house of employment, at least once in every month, and visit the apartments, and see that the poor are comfortably supported and hear all complaints; and redress, or cause to be redressed, all grievances that may happen by the neglect or misconduct of any person or persons in their employment, or otherwise.

Compensation.

SECTION 10. The said directors shall, each of them, receive for their services one dollar per day, for the time necessarily spent in attending on the duties of their office.

Vacancies, how supplied.

SECTION 11. In case any vacancy by death, resignation or otherwise of any of the said directors, the remaining directors shall fill such vacancy by the appointment of a citizen of the district, under the same penalty as is provided by the third section of this act, to serve until the next general election, when another director shall be elected as if no such vacancy had happened.

Effect of claims.

SECTION 12. All claims and demands existing at the time of this act being carried into effect, shall have full force and effect, as if this act had not passed; and when the same may have been duly adjusted and settled, all moneys remaining in the hands of the overseers, as well as

the uncollected taxes levied for the support of the poor in the several townships in the district, shall be paid over to the said directors, to be by them applied, as other moneys received by them, to support the poor.

SECTION 13. As soon as the poor of the district shall have been removed to the house of employment of the said district, and the out-standing taxes collected and paid over to the said trustees of the district, and the office of overseer of the poor within the said district, shall from henceforth be abolished. Office of overseer abolished.

SECTION 14. The powers conferred, and the duties imposed on the overseers of the poor in and by an act to empower the overseers and guardians of the poor of the several townships within this commonwealth, to recover certain fines, penalties and forfeitures, and for other purposes, are hereby conferred and imposed on the supervisors of the highways in said district; and that the justices of the peace within the said district, are hereby required to pay to the said supervisors, to be by them applied to the repair of the highways, the aforesaid fines, forfeitures and penalties within the time, and in the manner prescribed by the said act for the payment thereof in other counties, to the overseers of the poor, and give notice of the receipt thereof to the said supervisors, within the time and the manner aforesaid; and that for any neglect or refusal to perform any of the duties enjoined on them by the said act, the said justice of the peace in the said district shall be subject to all fines, penalties and forfeitures to which the justices in other counties are by the said act subject or liable. Powers and duties conferred.

SECTION 15. The directors of the said district are hereby authorized and empowered to pay to the persons who are appointed commissioners by the first section of this act, the expenses incurred by them in the performance of their duty, a reasonable compensation for their services during the term they are employed in erecting any building or buildings aforesaid. Compensation of commissioners.

SECTION 16. So much of the laws of this commonwealth relating to the poor, as are by this act altered or supplied, be and the same are hereby repealed, so far as they affect said district. Repeal.

SECTION 17. That the sheriff of the said county shall, in due time, notify the said commissioners of their appointment, and when and where they shall meet for entering upon the duties assigned them by this act; which place of meeting shall be at the house now occupied by Samuel W. Stewart, in Readsville. Sheriff to notify commissioners.

WILLIAM F. PACKER,  
*Speaker of the House of Representatives.*

WM. WILLIAMSON,  
*Speaker of the Senate.*

APPROVED—The fifth day of April, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

No. 276.

## AN ACT

Regulating election districts, and to authorize the electors residing in the borough of Greensburg, in Westmoreland county, to vote for overseers of the poor at the time and place of holding their spring elections.

Borough of  
Greensburg to  
elect overseers of  
the poor.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the qualified electors residing in the borough of Greensburg, in the county of Westmoreland, shall hereafter vote for overseers of the poor, for the poor district composed of Hempfield township and the borough of Greensburg, at the time and place of holding their annual spring elections within the limits of said borough; and that so much of any act of assembly as is inconsistent with this act, be and the same is repealed.

Carbon.

SECTION 2. That hereafter the qualified electors of the township of Packer, in the county of Carbon, shall hold their general and township elections at the house now occupied by John Faust, in said township; and Reuben Young is hereby appointed judge, and Daniel Gerhard and Andrew Gangeware are hereby appointed inspectors, to hold the township election in said township, on the third Friday in March, in the year of our Lord, one thousand eight hundred and forty-eight, for the purpose of electing the usual township officers for the ensuing year, who shall, in conducting said election, be governed by the election laws of this commonwealth.

Philadelphia city,  
persons holding  
office under cor-  
poration may act  
as election  
officers.

SECTION 3. That the sixth section of the act of March thirty-first, one thousand eight hundred and twenty-five, entitled "An Act for dividing the city of Philadelphia into fifteen wards, and providing for the choice of judges of the general election, and for other purposes," be and the same is hereby repealed.

Union Limestone  
election district,  
created.

SECTION 4. That those parts of West Buffaloe and Union townships, Union county, included within the following limits, to wit:—Beginning on Penn's creek at the south-west corner of the borough of New Berlin; thence by the courses and distances of said borough line to the north-west corner of said borough; thence along the northern boundary of said borough to the north-east corner thereof; thence north seventy-five perches; thence north fifty-three degrees east one hundred and sixty perches; thence north thirty degrees east sixty-one perches to the division line of Union and Buffaloe townships; thence by said line a north-westerly course until it intersects the Officers line; thence a westerly course by the said Officers line to the south-east corner of the borough of Misslinburg; thence by the south line of the said borough of Misslinburg to the south-west corner thereof; thence north eighty-three and a-half west one hundred and forty perches; thence south seventy-seven degrees west one hundred and forty-six perches; thence south eighty-six and an-half degrees west two hundred and thirty-two perches; thence south eighty-two and an-half degrees west two hundred and eighty perches to the line between Hartley and West Buffaloe townships; thence along said line a southerly course to where it intersects the division line between Centre and West Buffaloe townships; thence an easterly course by the Centre township line till it strikes Penn's

creek; thence down said creek to the place of beginning, shall be a separate election district, to be called the "Limestone election district," and that the electors thereof shall hold their general elections at the house now occupied by Peter Wehr, in said district.

SECTION 5. The qualified electors of Elk Lick township, in the county of Somerset, shall hereafter hold their township and general elections at the school house, on lot late the property of Jost J. Stutzman, in the town of Salisbury, in said township.

SECTION 6. That from and after the passage of this act, the general and township elections shall be held in and for the township of Lower Turkeyfoot, in the county of Somerset, at the house of James H. Rush, in said township; and that the first township election take place on the last Friday in March, A. D., one thousand eight hundred and forty-eight; and that Israel Rhoads is hereby appointed judge, and Alexander Nicklow and Thomas Anderson inspectors, to conduct said township election, and that they be guided by the election laws of this commonwealth.

SECTION 7. That hereafter the qualified electors of the township of Woodcock, in the county of Crawford, shall hold their general and township elections at the house of Andrew Ryan, in said township.

SECTION 8. That the electors of Spruce ward, in the city of Reading, shall hereafter elect one assessor, in such manner as is prescribed by law in the other wards of said city.

SECTION 9. That from and after the passage of this act, the qualified voters of Washington township, in the county of Dauphin, shall hold their township elections on the third Friday in March next, and in each year hereafter; and that the twenty-fifth section of the act, entitled "An Act regulating election districts," approved the third day of February, one thousand eight hundred and forty-six, be and the same is hereby repealed.

SECTION 10. That hereafter the qualified voters of North Penn township, in the county of Philadelphia, shall hold their township and general elections at the house now occupied by Enoch Keissell, in said township.

SECTION 11. That all that portion of Dunstable, Woodward, Colebrook and Pine Creek townships, in Clinton county, lying within three miles of the turnpike leading from Jersey Shore to Coudersport, be and the same is hereby declared to be a separate election district, and the qualified voters residing within said limits shall hold their general elections at the house of Warren Bills and brother, on said turnpike.

SECTION 12. That an act, entitled "An Act to incorporate the village of Coudersport into a borough," passed the seventh day of February, A. D. one thousand eight hundred and forty-eight, be and the same is hereby amended so as to erect said borough into a separate election district; and that the authorized voters of said borough shall, on the morning of the next general election, elect (if not already elected) the several officers now required by the election laws of this commonwealth to hold and conduct said election; and the election of officers in said borough, held on the third Friday of February last, is hereby declared good and valid in law; and that the court of quarter sessions of the county of Potter are hereby authorized to appoint school directors and overseers of the poor, to serve for said borough, until the next annual borough election (in case of vacancy;) and on the third Friday of February next, and annually thereafter, said voters are authorized to elect one person as burgess, four persons as town council, one person as high constable, and one person as borough constable, one person as assessor, two persons as overseers of the poor; and also to elect six persons as school

School directors. directors, two to serve one year, two to serve two years, and two to serve three years, and annually thereafter to elect two persons as school directors to serve three years, as provided by the school laws of this commonwealth; and that the justices of the peace elected in said borough on the third Friday in February last, shall hold their offices for the term for which they were elected, and their places supplied at the expiration of their terms, as now authorized by law.

Relative to justices of the peace.

Venango. SECTION 13. That hereafter the qualified electors of Allegheny township, Venango county, shall hold their general and township elections at what is called the White's school house, on the Warren and Franklin turnpike road, near Richard Brodhead's; and that the qualified electors of Allegheny township, Venango county, hereafter shall hold their spring election on the second Friday of February, to elect their township officers, instead of the day now appointed by law.

Time changed.

Schuylkill. SECTION 14. That the township of Norwegian, in the county of Schuylkill, shall form a separate election district, and that the qualified voters therein shall hereafter hold their general elections at the public house kept by Ira Lake, at Deer Park, in said township; that Charles Gillingham act as judge, and Francis Spencer and Edward O'Connor act as inspectors, to hold the first election after the passage of this act, in conformity with the existing laws of this commonwealth now regulating elections.

Schuylkill.

Elect supervisors. SECTION 15. That the qualified electors of said township shall, at the usual time of holding the township elections in the county of Schuylkill, elect one person for supervisor; and that the said supervisor and auditors of said township, shall lay a rate or assessment not exceeding one cent in the dollar, upon the property, and for the purposes which supervisors of townships are now authorized to make by the provisions of the act of fifteenth April, eighteen hundred and thirty-four, entitled "An Act relating to county rates and levies, and township rates and levies."

Lay a tax.

To appoint a collector.

SECTION 16. That it shall be the duty of the supervisor and auditors of said township, annually, to appoint some suitable inhabitant of said township, at a meeting to be convened for the purpose, to be collector of the township rates and levies, who shall give bond with at least two sufficient sureties, to the satisfaction of said supervisor and auditors, conditioned for the faithful discharge of his duty as collector as aforesaid.

WILLIAM F. PACKER,  
*Speaker of the House of Representatives.*

WM. WILLIAMSON,  
*Speaker of the Senate.*

APPROVED—The fifth day of April, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.



No. 277.

## A FURTHER SUPPLEMENT

To an act to incorporate the American insurance company of Philadelphia.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the several sections, provisos and limitations contained in an act, entitled "An Act to amend the act creating the Delaware mutual safety insurance company," and the powers thereby granted, be and they hereby are extended and applied to the American mutual insurance company, with the same force and effect as if they were herein expressly set forth and enacted in reference to the said American mutual insurance company.

WILLIAM F. PACKER,  
*Speaker of the House of Representatives.*

WM. WILLIAMSON,  
*Speaker of the Senate.*

APPROVED—The sixth day of April, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

No. 278.

## AN ACT

Relative to the Philadelphia and Trenton railroad company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the Philadelphia and Trenton railroad company be and they are hereby authorized and empowered to purchase, obtain and hold so much real estate, situate between Walnut and Dock streets, in the city of Philadelphia, as may be required for landings, and the convenient conducting of the business of the said company, and the same to sell, alienate or otherwise dispose of at their pleasure; and for the purpose of making any such purchases, the said company shall have power to use and apply their corporate funds: *Provided,* That the real estate so purchased shall not exceed three hundred feet in front upon the Delaware, nor extend farther west than Water street.

Purchase and  
hold real estate.

SECTION 2. That the Philadelphia and Trenton railroad company be and they are hereby authorized and empowered, to make such changes

Change track in  
the borough of  
Morrisville.

and alterations in the course and track of their railroad, as it is now laid in the borough of Morrisville, in the county of Bucks, near to the Trenton Delaware bridge, as shall prove most advisable for the purposes aforesaid: *Provided*, That said railroad company shall not be allowed to remove said railroad more than thirty feet south of its present location.

Enter upon  
lands.

Proviso.

Damages.

SECTION 3. That it shall and may be lawful for the president, directors and company aforesaid, and their agents and all persons employed by or under them, for the purposes contemplated in this act, to enter upon any land which they may deem necessary, and to use and occupy the same in such manner as shall be best adapted for the proposed changes and alterations: *Provided*, That any piers or truss work erected or put up in the mill pond or creek belonging to the estate of John Savage, shall be at least thirty feet apart, and so placed as not to interfere with the passage of logs to the saw mill; and that whatever damage is done to the land so used and occupied, or to the mill pond and water power belonging to the estate of John Savage, or that is likely to occur to the same by reason of said alteration, shall be ascertained and determined after the completion of the work, by three disinterested persons, to be chosen as follows: The Philadelphia and Trenton railroad company shall choose one, the trustees of the estate of John Savage another, and the town council of Morrisville borough, a third man, whose decision, or a majority of them, shall be final and conclusive; and the award shall be paid by said railroad company within sixty days after it is made known, and if not paid, shall be recoverable at law as like sums are recoverable.

WILLIAM F. PACKER,  
*Speaker of the House of Representatives.*

WM. WILLIAMSON,  
*Speaker of the Senate.*

APPROVED—The sixth day of April, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

No. 279.

## A SUPPLEMENT

To the act, entitled “An Act relative to the Philadelphia and Trenton railroad company.”

Protection to pro-  
perty holders.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the Philadelphia and Trenton railroad company shall not be authorized to enter upon or use any private property in pursuance of the second and third sections of the act, passed the present session, entitled “An Act relative to the Philadelphia and Trenton railroad company,” with-

out having first obtained the consent of the owner, or having paid or given security to pay any damages they may do to such property.

WILLIAM F. PACKER,  
*Speaker of the House of Representatives.*

WM. WILLIAMSON,  
*Speaker of the Senate.*

APPROVED—The sixth day of April, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

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No. 280.

### A FURTHER SUPPLEMENT

To an act, entitled “An Act to incorporate Kensington district of the Northern Liberties.”

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That all that part of the township of the unincorporated Northern Liberties, in the county of Philadelphia, beginning in the middle of Norris street and the west side of the Frankford turnpike road, and running thence northward along the said Frankford road to a point one hundred and twenty feet north of Lehigh avenue, as laid down in the plan of the county; thence crossing the said Frankford road, and continuing at the distance of one hundred and twenty feet north of said Lehigh avenue, and parallel therewith westwardly, to the west side of the Germantown turnpike road; thence southwardly and south-eastwardly along the same to a point opposite to the present north boundary line of Kensington district; thence crossing the said Germantown road, and along the present boundary line between Kensington and the Fair Hill estate, to the west side of the Frankford road, the place of beginning, shall be and become, and the same is hereby made a part of, and incorporated with the said Kensington district of the Northern Liberties, and shall be at all times hereafter included in, and subject to all and every the laws, regulations and ordinances which are, or hereafter may be enacted and applicable to the said district of Kensington, as at and before the passing of this act bounded and contained.

Boundary of Kensington district in the Northern Liberties, extended.

SECTION 2. That Malcom W. Taylor, Edward T. Tyson and Daniel Braddock, shall be commissioners to represent all that part of the township of the unincorporated Northern Liberties above described, and now hereby incorporated into the Kensington district, until the next general election in October; and that all that part of the said township, now incorporated into the said Kensington district, shall constitute one ward, to be called the Eighth ward; and at the next election for commissioners of the said district of Kensington, then shall be elected by the inhabitants of the said district, now enlarged as aforesaid, who are or shall be qualified voters according to law, in addition to the present

Commissioners appointed.

Erected into Eighth ward.

Elect commis-  
sioners.

number of commissioners, three additional persons residing within the said district, now enlarged as aforesaid, and who shall be citizens of the same, to serve as commissioners of the said district of Kensington; of the three thus to be elected, one shall be elected for one year, one for two years, and one for three years; and annually thereafter the citizens of the said district shall elect eight commissioners to supply the seats of the commissioners whose term of office may be about to expire, and the commissioners thus elected, shall hold their seats for the term of three years, so that the board of commissioners, of the said district of Kensington, shall hereafter consist of twenty-four members.

Place of election.  
Proviso.

SECTION 3. The elections in the said Eighth ward for judges, inspectors and assessors shall be held at the house now occupied by Michael Price, on the Frankford road, above Wood street: *Provided*, That nothing herein contained shall be so construed as to prevent the electors of the said Eighth ward from changing the place of holding ward elections, in the manner provided by the election laws of this commonwealth: *And provided further*, That the number of judges, inspectors and assessors shall be the same as are now elected in the other wards of the district.

Proviso.

Appointment of  
election officers.

SECTION 4. The officers whose duty it shall be to conduct the first election in the Eighth ward, created by this act, shall be appointed as follows: the judges chosen by the electors of the Sixth ward, shall appoint a judge to conduct the first election in the said Eighth ward, and each of the inspectors of the said Sixth ward, shall appoint an inspector for the Eighth ward, and the inspectors so appointed for the Eighth ward, shall appoint a clerk for the same.

Duty of county  
commissioners.

SECTION 5. It shall be the duty of the commissioners of the county of Philadelphia, to furnish to the judges and inspectors to be appointed for the said Eighth ward, ballot boxes, blanks, forms and list of taxables, and so forth, the same as are now furnished to judges and inspectors of elections of the other wards within the said district of Kensington, and to pay to the said additional judges and inspectors and clerks, the same compensation as to other election officers.

Duty of district  
commissioners.

SECTION 6. The commissioners of Kensington shall provide suitable accommodations for the voters of the said Eighth ward, at the general election on the second Tuesday of October next, at the Commissioners' Hall, and at every succeeding election thereafter; and they shall also provide seats and other accommodations for the three commissioners in this act named, in the same manner as the present commissioners are accommodated.

Proceedings in  
regard to streets  
not to be affected  
by this alteration.

SECTION 7. That all proceedings now pending under the present laws for the opening of streets, or assessment of damages for the same, in that part of the said township of the unincorporated Northern Liberties, now hereby annexed to Kensington, shall not be vitiated by reason of anything herein contained, but the same shall be carried on to completion, as if this act had not been passed.

Regulation of  
heights, levels  
and streets.

SECTION 8. That all the powers, rights and authorities mentioned and contained in a certain act of assembly, entitled "An Act to regulate the heights and levels of streets in part of the township of the unincorporated Northern Liberties," passed the sixteenth day of March, one thousand eight hundred and forty-seven, be and the same are hereby transferred to, and vested in the commissioners of the district of Kensington; and the plans, surveys and regulations of that part of the township aforesaid, made in pursuance of the said act, and which are divided into five parts or sections, with tables of level benches to each attached, and one copy of which said plans is now deposited in the office of the clerk of the court of quarter sessions of the peace of the

said county, be and the same is hereby declared to be a legal record thereof, and shall not be taken therefrom without an order of the said court; and the other or duplicate copy of the same, now in the care and custody of the commissioners in the said act named, shall be transferred to the board of commissioners of the said district of Kensington, to be by them deposited in such place as the said commissioners shall direct; and the commissioners named in the said act of assembly, are hereby superseded: *Provided*, That the commissioners of Kensington shall pay to the said commissioners named in the foregoing act of assembly, the expenses incurred by them for the plans, surveys and regulations; and the said commissioners of Kensington, shall also have full power and authority to collect and receive all the taxes that have been laid by the commissioners named in the said act of assembly, under the power vested in them to lay the same: *And provided further*, That the said expenses incurred in the said survey and regulations, and to be re-paid by the said commissioners of Kensington, shall not exceed the sum of sixteen hundred dollars. Proviso.

SECTION 9. That the present trustees of the Fair Hill estate under the will of Joseph Parker Norris, and the trustees of Joseph Parker Norris, the younger, under said will, be and they are hereby authorized and empowered to grant, bargain and sell to the commissioners of the said Kensington district, in fee simple, for such consideration as they may think proper, and to be held for public use as a public green and walk forever, and to be used for no other use or purpose whatever, the plot or square of ground now called "Fair Hill square;" part of the said Fair Hill estate bounded by Lehigh avenue on the north, by Huntingdon street on the south, Fourth street on the east, and Apple street on the west; and also the plot or square of ground now called "Norris square;" part of the said Fair Hill estate bounded by Susquehanna avenue on the north, Diamond street on the south, Howard street on the east, and Hancock street on the west, and Clinton street as laid down in the plan of the county, running through the same from Susquehanna avenue to Diamond street, is hereby vacated: *Provided*, That the said commissioners of Kensington shall at all times hereafter keep the said two squares of ground properly enclosed and planted with trees for public squares and walks, for light, air and recreation forever: *And provided further*, That a majority of all the persons having a vested interest in the said two squares of ground, shall consent to such grant and dedication of the same as aforesaid; and such squares shall never be used for any other purpose whatever, and no building shall ever be erected thereon. Trustees of Joseph Parker Norris, authorized to sell to district, "Fair Hill square" and "Norris square."

SECTION 10. That Tenth street, as the same is laid down in the plan of the county of Philadelphia, from its intersection with the Germantown road northward to Indiana street, running along the edge of the said Germantown road and Fifth street, from Huntingdon street to Lehigh avenue, are hereby vacated; and also Fidler or Tilgham street, from Harrison street to old Front street road; and the said old Front street road from Harrison street to its intersection with Frankford avenue, are also vacated; the said Fidler street and old Front street road not being laid down as streets or highways in the plan of the said county, as now established by law. Certain streets vacated.

SECTION 11. That the property included in the said Eighth ward, shall not hereafter be assessed, or bound to contribute towards any tax whatever, in maintaining and repairing any roads or highways, other than those assessed by the district of Kensington. Exempt from road tax.

SECTION 12. That the commissioners of the said Kensington district be and they are hereby authorized and empowered to construct steam, Authorized to erect water works.

or other suitable works on or near to the river Delaware, at the foot of any of the public streets, or on the public landings of said district, or such other suitable location as they may deem expedient for the purpose of pumping up and supplying the said district, and any other districts in the said county and the inhabitants thereof, with water from the said river; and to pass such ordinances, resolutions and rules, as they may deem necessary and proper for the distribution, supply, use and protection of the said water, and the safety, security and protection of the said works and reservoirs, and for the collection of the water rents: *Provided*, That nothing contained in this section shall be construed to authorize the commissioners of the Kensington district to interfere with the location or construction of the works of any incorporated company, unless the assent of said company be first obtained.

To construct  
reservoir.

SECTION 13. That the commissioners of the said district shall have full power and authority to construct such reservoir or reservoirs, for the reception of the said water, as they may deem expedient; and also to lay such supply pipes from the said river and works thereto, as may be necessary or requisite along any public street or highway now laid out, or which may hereafter be laid out by law; and also to lay such pipes of conduit from the said reservoir or reservoirs, along any street or highway as aforesaid, as may be found necessary to connect the same with any of the pipes of conduit already laid down, or which may be hereafter laid down in said district: *Provided*, That the said commissioners shall not take any more of the said streets or highways than is absolutely necessary for the purposes aforesaid; and that all injury or damages done to the same, shall immediately thereafter be repaired by them.

Borrow money.

SECTION 14. That the commissioners of the said district be and they are hereby authorized and empowered to borrow from time to time, any sum or sums of money that they may judge necessary, for the purpose of erecting, constructing and maintaining the said works and reservoirs, and laying the necessary mains and pipes for the same, and for all other expenses incident thereto, and to pledge the faith of the district for the payment thereof; and all purchases or contracts for the purchase of any lot or lots of ground, and conveyance thereof, for the contemplated water works or reservoirs, be and the same are hereby ratified and confirmed: *Provided*, That the concurrence of two-thirds of the whole number of the said commissioners shall be essential to any law or ordinance authorizing such loan.

Erection of  
buildings regu-  
lated.

SECTION 15. That it shall not be lawful hereafter for any person, co-partnership or company, to erect or cause to be erected any frame or wooden building, tenement or other structure, at any point or place on or along Second street, in the district of Kensington, in the county of Philadelphia; and any person, co-partnership or company, who shall be convicted of having erected, or having caused to be erected any frame or wooden building, or other structure of whatsoever kind, on said street, or of re-building the same, shall, for every such offence, be adjudged to pay a penalty of two hundred dollars, one half for the use of any person who may sue for the same, and the other half for the use of the commissioners and inhabitants of the Kensington district; and the said commissioners of the Kensington district shall have power at any time hereafter, to appoint one person to serve as solicitor of said district, who shall have been a bona fide resident of said district for the term of one year preceding the time of his election or appointment by said commissioners; and any election or appointment made contrary to

Appoint solicitor.

the provisions of this section, shall be deemed and taken to be illegal, and of no force or effect.

WILLIAM F. PACKER,  
*Speaker of the House of Representatives.*

WM. WILLIAMSON,  
*Speaker of the Senate.*

APPROVED—The sixth day of April, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

No. 281.

## A FURTHER SUPPLEMENT

To the act, entitled “An Act to incorporate the Swatara and Good Spring Creek railroad company,” passed April second, Anno Domini one thousand eight hundred and thirty-one.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That if the persons who shall have transported over the said Swatara railroad, more than one-half of the whole amount of coal which has during the year then last past, been transported over said road, shall present a requisition, duly signed by them, to the president and managers of said railroad company, expressing their desire that locomotives and tenders be placed upon said road, and if the president and managers of said company shall deem it expedient to use locomotive engines and tenders on the said railroad, or the branches or lateral railroads thereof constructed, or which may hereafter be constructed by said company, for the conveyance of coal, passengers, merchandize or other commodities, or to permit the same to be done by others, the said president and managers shall have authority so to do, and to make such regulations concerning the same, as may be necessary, with like penalties for any infraction thereof, and remedies for the recovery of the same, as are now or hereafter may be prescribed by law in regard to the use and regulation of the motive power on the railroads of this commonwealth, or of any of the incorporated companies thereof; the said company shall have the right to charge, for the use of the motive power provided by them or their agents, at a rate of not exceeding one and a-half cents per ton per mile on coal, two cents per ton per mile on merchandize and other commodities, and not exceeding three cents per mile for every passenger which may be conveyed by the motive power employed on the said railroad as aforesaid, exclusive of the tolls now chargeable; all tolls for fractions of a mile to be charged for a mile: *Provided*, That nothing herein contained shall prevent the said company from discontinuing the use of said locomotive engines at any time after giving two months’ public notice thereof: *Provided further*, That no charge shall be made for the haulage of the empty coal cars, and that the coal

To place motive power on said road.

Regulate motive power.

Tolls.

Proviso.

Proviso.

operators may use their own cars, those of the Reading railroad company, the Schuylkill navigation company, or those of the Union canal company.

Authorized to  
construct branch  
railroads.

SECTION 2. The said company is hereby authorized to construct its railroad, or the branch railroads which it has made, or is hereby authorized to make, either with a single or double track, as the president and managers may deem expedient; and they are hereby authorized to construct branch railroads, not exceeding five miles in length, from the main line, to accommodate the owners of coal lands, subject to the same conditions and restrictions as are specified in their act of incorporation, and its several supplements; but such branch or lateral railroads shall not be made parallel to railroads already constructed, within a quarter of a mile of the same, nor cross such railroads upon a level, without the consent of the owners of such railroads; and the said company is hereby authorized to construct an inclined plane up Martin's run, and to connect the same with their road, and to charge not exceeding five cents per ton for the transportation of coal over said plane, making no charge for empty cars passing up the same; and the president and managers of the said company are hereby authorized, by and with the consent of the stockholders, to increase the capital stock to an amount not exceeding four thousand shares, in addition to the amount already authorized, at such times as they may deem expedient, and in the manner provided for in the first section of the act to which this is a further supplement.

WILLIAM F. PACKER,  
*Speaker of the House of Representatives.*

WM. WILLIAMSON,  
*Speaker of the Senate.*

APPROVED—The sixth day of April, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

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No. 282.

### SUPPLEMENT

To an act to authorize the governor to incorporate the Fishing Creek, Swatara and Schuylkill railroad company, approved the twenty-fifth of April, one thousand eight hundred and forty-four.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That the Fishing Creek, Swatara and Schuylkill railroad company shall have the privilege of constructing, using and enjoying such portion of their road as may be constructed lying from and in the Fishing Creek gap, in the Sharp mountain, towards their place of terminus, whenever a connection can be or is formed with any other railroad or canal, and may*



charge and receive tolls on and for the transportation of coal, wares, produce, merchandize, at the same rates as is fixed by the fifth section of the act to which this is a supplement.

WILLIAM F. PACKER,  
*Speaker of the House of Representatives.*

WM. WILLIAMSON,  
*Speaker of the Senate.*

APPROVED—The seventh day of April, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

No. 283.

## A SUPPLEMENT

To an act to authorize the governor to incorporate the Mahoning, Kittanning and Freeport turnpike road company, and for other purposes, passed the second day of April, Anno Domini one thousand eight hundred and thirty-eight.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the time for opening books of subscription to the Kittanning bridge company, shall be changed from first day of September, one thousand eight hundred and thirty-eight; until the first day of September, one thousand eight hundred and forty-eight, and that the time for the commencement and completion of said bridge shall be five years from the passage of this act. Time for opening books for subscription, and the time of commencement and completion of the Kittanning bridge, extended.

SECTION 2. That so much of the said act as names the commissioners, is hereby repealed; and that Alexander Colwell, James E. Brown, Robert Robinson, John Craig, John Templeton, John Gilpin, Robert Orr and John Portsmouth, be and they are hereby appointed commissioners, to do and perform all such things as are enjoined on the original commissioners, by the act to which this is a supplement. Commissioners.

SECTION 3. That the shares of stock shall be reduced to twenty-five dollars each; and that all portions of the act to which this is a supplement, inconsistent with this act, is hereby repealed. Stock reduced.

WILLIAM F. PACKER,  
*Speaker of the House of Representatives.*

WM. WILLIAMSON,  
*Speaker of the Senate.*

APPROVED—The seventh day of April, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

No. 284.

## A N A C T

To incorporate the Washington hall association.

Incorporators.	<p><b>SECTION 1.</b> <i>Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That</i> Andrew W. Gilkeson, Allen Downing, William Kinsey, Benjamin Malone, Walter Laing, Daniel P. Forst, Henry M. Wright, Jacob M'Brien, John W. Bray and Louis A. Hoguet, and their successors, and all persons who now are or hereafter may be associated with them, be and they are hereby created and erected into a body politic and corporate, in deed and in law, by the name, style and title of "The Washington hall association;" and by that name shall have perpetual succession, and be able to sue and be sued, plead and be impleaded, in any court of law or equity, or elsewhere, and shall be able and capable in law and in equity, to take and hold to them and their successors, either by grant, gift, devise or lease, any lands or real estate, for the purpose of erecting thereon a suitable building or buildings, for the use of said association; and also to take and hold for the use of the said association, any goods and chattels, sum or sums of money, by gift, grant, bargain, sale, will, devise or bequest, from any person or persons whatsoever, capable of making the same, and the same at their pleasure to grant, bargain and sell, for the use of said association. and generally to do all and singular, the matters and things which shall be lawful for them to do for the well being and due management of the affairs of said association: <i>Provided,</i> That the real estate of which the said corporation shall be at any time possessed, shall not exceed the clear yearly value of three thousand dollars.</p>
Name. Privileges.	<p><b>SECTION 2.</b> The object of the said corporation shall be to provide, erect and furnish a hall or suitable buildings in the borough of Bristol, county of Bucks, for the accommodation of Hopkins lodge, number eighty-seven, of the Independent Order of Odd Fellows, and other lodges of the said order which may be established hereafter, and suitable also for a lecture room and other societies.</p>
Proviso.	<p><b>SECTION 3.</b> That it shall and may be lawful for the said corporation to have a common seal, and the same at will and pleasure to change, alter and renew, as they shall think proper; and shall have and exercise all the rights, privileges and immunities necessary for the purposes of the corporation hereby constituted, and as herein expressed.</p>
Seal.	<p><b>SECTION 4.</b> The government of the said Washington hall association, and the management and disposition of its affairs and property, shall be vested in a board of trustees, who shall be elected annually, at such time and in such manner as the said association shall by its by-laws provide; the officers of the association shall be a president, secretary and treasurer, who shall be elected at the annual meetings, by the stockholders, except the secretary, who shall be elected by the board of trustees, at the annual meetings; all the officers shall be trustees.</p>
Government vested in a board of trustees.	<p><b>SECTION 5.</b> The corporation shall have power and authority to make by-laws conformable to this charter, and not in violation of the constitution and laws of this commonwealth or of the United States.</p>
By-laws.	

SECTION 6. That the legislature hereby reserves the right to alter, revoke or annul the charter of the said Washington hall association of Reservation. the borough of Bristol, Bucks county, whenever, in their opinion, it may be injurious to the citizens of this commonwealth; in such manner, however, that no injustice shall be done to the corporators thereof.

WILLIAM F. PACKER,  
*Speaker of the House of Representatives.*

WM. WILLIAMSON,  
*Speaker of the Senate.*

APPROVED—The seventh day of April, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

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No. 285.

## AN ACT

Regulating election districts, and for other purposes.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same.* That the qualified voters of Greenfield township, Blair county, shall hold Blair. their township and general election at the house now occupied by David Walton, in said township.

SECTION 2. The qualified voters living on the west side of Perkiomen creek, in Skippack township, Montgomery county, shall form an election district, to be called the Perkiomen district, and shall hold their township and general election at the public house of Jacob Schwenk, in said district. Montgomery.

SECTION 3. The qualified voters of Herrick township, Bradford county, shall hereafter hold their general and special elections at the school house near N. B. Whitmore's, in said township. Bradford.

SECTION 4. The qualified voters of the borough of Frankford, Philadelphia county, shall hereafter elect their members of council, supervisor, county. intendent of highways and high constables annually, at the election for judges, inspectors, et cetera. of said borough, as now by law held.

SECTION 5. That all laws relating to the election of supervisors in the borough of Pottsville, in Schuylkill county, are hereby repealed. Schuylkill super  
visors.

SECTION 6. The qualified voters of Dingman township, Pike county, Pike. shall hereafter hold their township and general elections at the new school house called Union, in said township.

SECTION 7. The qualified voters of Wells township, Bradford county, Bradford. shall hereafter hold their township and general elections at the house now occupied by Lewis Seely, in said township.

SECTION 8. The borough of Lawrenceville, in Tioga county, shall Tioga. hereafter form a separate election and school district, and shall hold their elections at the house now occupied by Clark Slosson; and may

Separate election school district.

elect three school directors for said borough, at their next election for borough officers, one of them to serve for one year, one of them for two years, and one of them for three years, and one every year thereafter, to serve for three years.

Jefferson.

SECTION 9. That the borough of Brookville, in the county of Jefferson, be and the same is hereby erected into, and shall form an election district, and the qualified voters of said borough, shall hereafter hold their elections at the court house in said borough; and that David S. Dearing act as judge, and Philip Taylor and Evans R. Taylor act as inspectors, to hold the first election after the passage of this act; and in conducting said election, they shall be governed by the election laws of this commonwealth.

Elect overseers of the poor.

SECTION 10. The qualified voters of said borough of Brookville shall, hereafter, at the time and place of holding their election for borough officers, elect by ballot, two citizens to act as overseers of the poor, who shall have the same authority as overseers of the poor have in this commonwealth; and the court of quarter sessions for Jefferson county, shall have authority to appoint two citizens of said borough, who shall act as overseers of the poor until a regular election shall take place.

Potter.

SECTION 11. That hereafter Pleasant Valley township, in the county of Potter, shall form a separate election district, and their election shall be held at the school house near the former residence of S. A. Fish, in said township; and the forty-fifth section of the act relating to election districts, passed the sixteenth day of March, one thousand eight hundred and forty-seven, be and the same is hereby repealed.

Bucks.

SECTION 12. The qualified voters of the borough of Morrisville, Bucks county, shall hereafter hold their general and borough elections at the Robert Morris hotel, in said borough.

Bradford.

SECTION 13. The qualified voters of the township of Troy, in the county of Bradford, shall hereafter hold their township and general elections at the house of Volney M. Long, in the borough of Troy.

Butler.

SECTION 14. The qualified voters of the township of Donegal, in the county of Butler, shall hereafter hold their township and general elections at the house of Christian Gumper, in Millerstown, in said township.

Susquehanna.

SECTION 15. The qualified voters of Harmony township, Susquehanna county, shall hereafter hold their township and general elections at the public house owned by William Ward, and now occupied by Henry Torry, in said township.

Monroe.

SECTION 16. The qualified voters of the township of Paradise, in the county of Monroe, shall hereafter hold their township and general elections at the house of David Edinger, in said township; and Charles Henry is hereby appointed judge, and Jacob Transue and Peter Heller are hereby appointed inspectors of said election, to perform the duties of their several offices, until a judge and inspectors are duly elected in accordance with the election laws of this commonwealth.

Monroe.

SECTION 17. That from and after the passage of this act, the qualified voters of the township of Stroud, in the county of Monroe, shall hold their township and general elections at the court house, in the borough of Stroudsburg.

Delaware.

SECTION 18. That hereafter the qualified voters of the township of Ridley, in the county of Delaware, shall hold their township and general elections at the Leiperville inn, in said township.

Potter

SECTION 19. The qualified voters of Allegheny township, in Potter county, shall hereafter hold their general and township elections at the school house, near the residence of Levi Andrews, in said township.

SECTION 20. That the qualified voters of the borough of Clarion, in Clarion. the county of Clarion, shall hereafter hold their township and general elections on the same day on which the elections are held in the several townships of said county; and that the election held in the borough of Clarion, in February last, is hereby legalized.

SECTION 21. That from and after the passage of this act, in all cases Penn District. where the citizens of the district of Penn shall fail to elect judges and inspectors of elections, or the same shall be set aside from informality or otherwise, the judges of the court of quarter sessions shall fill all vacancies so occurring.

SECTION 22. That the qualified electors of the township of Broken-straw, in the county of Warren, shall hereafter hold their general and township elections at the public house of John Liggins, in said town-ship. Warren.

SECTION 23. The qualified electors of Brady township, Clearfield county, shall hold their general and township elections at the house now occupied by William C. Foley, in said township. Clearfield.

SECTION 24. That the qualified voters of the township of Girard, in the county of Erie, shall hereafter hold their general and township elections at the house of Jabez Wright, in the West village of Girard, in said township. Erie.

SECTION 25. The qualified voters of Delaware township, Mercer county, shall hereafter hold their general and special elections at Independence Hall, in said township. Mercer.

SECTION 26. That the qualified voters of West Nottingham town-ship, Chester county, shall hereafter hold their general and township elections at the house now occupied by Lewis Melrath, in said town-ship. Chester.

SECTION 27. That the qualified voters of the township of Milford, in the county of Bucks, shall hereafter hold their township and general elections at the house of John S. Heist, in said township. Bucks.

SECTION 28. That the qualified voters of the Hollidaysburg election district, in Blair county, shall hereafter hold their spring and general elections at the court house, in the borough of Hollidaysburg. Blair.

SECTION 29. That the qualified voters of that part of Huston town-ship, Blair county, commonly called the Dry Gap, bounded as follows: Blair. Beginning at the house of John Grabill, on the North Woodbury town-ship line; thence running in a north direction to the Huston township line, on the top of the Cove mountain; thence along said line to its connection with the North Woodbury township line, in M'Kee's Gap, shall hereafter vote at the general elections at the election house of North Woodbury township.

SECTION 30. That the qualified voters of the township of Washing-ton, in the county of Berks, shall hereafter hold their township and general elections at the public house of G. S. Beehtel, in said town-ship. Berks.

SECTION 31. That hereafter the qualified electors of the county of Warren. Warren, at the proper election, shall elect one person to serve as pro- Election of thonotary and clerk of the courts, and one person to serve as register, county officers. recorder and clerk of the orphans' court for said county.

SECTION 32. That the qualified voters of the borough of Manayunk, in the county of Philadelphia, shall at the next ensuing spring election Philadelphia. after the passage of this supplement, elect an additional overseer of the Elect an addi- poor, and an additional school director, to serve for the same period tional overseer of that those officers are now authorized by law to serve, within the said the poor and borough, and shall from time to time so elect, when and as often as the school director. terms for which said officers shall have been elected, shall expire; and

that until the first election for such additional overseer of the poor and school director shall be held, the said town council shall have power to appoint said additional officers.

**SECTION 33.** That the town council of the said borough be and they are hereby authorized and empowered to make, execute and give a mortgage upon the poor house farm and plantation recently purchased by the said borough, for such portion of the purchase money as may by the said town council be deemed expedient; and that said poor house farm and plantation shall hereafter be exempted from all taxation for state, county or poor purposes, so long as they shall remain the property of said borough.

**SECTION 34.** That the qualified electors of the township of Roxborough shall, on the third Friday of March next, elect one suitable person for school director of said township, in addition to the one now authorized by law to be elected; and that tri-annually hereafter, the electors of said township shall elect two persons of said township to fill said office: *Provided*, That the present school directors in said township, shall have power to appoint a person to serve as school director for the present year, and until one is elected and qualified under this act.

**SECTION 35.** That the directors of the public schools or the several sections of the first school district, shall hereafter meet on the first Monday in July in each and every year, and elect the controllers of the public schools for the city and county of Philadelphia, in the same manner as controllers are now elected by law.

**SECTION 36.** That hereafter the qualified voters of Crawford county, shall elect one person to fill the office of prothonotary of the court of common pleas, one person to fill the office of clerk of the several courts of general quarter sessions and oyer and terminer and orphans' court, at the same time and manner as is now directed by law; and that so much of any law hereby altered and supplied, is hereby repealed.

**SECTION 37.** That hereafter the qualified electors of Irwin township, Venango county, shall hold their general and township elections at the house of Patrick Thornburg, in the aforesaid township.

**SECTION 38.** That the road commissioners of Woodcock township, Crawford county, are hereby authorized and directed to levy and collect a township tax in Woodcock township, for the purpose of purchasing a lot of ground not exceeding one-half acre, and erecting thereupon a suitable town house for all township purposes; the said commissioners shall levy the aforesaid tax upon all real and personal property that is now taxable for county and road purposes, and shall levy and collect the same at the time and manner, and by the same authority, that the road tax is now levied and collected: *Provided*, That the aforesaid tax shall be collected and kept as a separate fund for the above mentioned purposes, and that the aforesaid town house shall be finished, for election and township purposes, on or before the second Tuesday of October, one thousand eight hundred and forty-nine.

**SECTION 39.** That Chester Johnston, James M'Cullough and Henry Strouss, are hereby constituted a building committee, with full authority to purchase the aforesaid piece or parcel of ground, not exceeding one-half acre, and construct and build the aforesaid town house thereupon, in such a manner as they may deem expedient and proper: the deed for the aforesaid piece, or parcel of ground, shall be taken in the name of the road commissioners and their successors, for the use of said township forever: the road commissioners shall pay, or cause to be paid over to the building committee, all moneys collected for the aforesaid purposes, within ten days after the said money is collected; and further,

Authorized to execute mortgage on the poor house farm.

Philadelphia, Roxborough to elect an additional school director.

Proviso.

School directors of first district to elect controllers.

Crawford county, relative to election of county officers.

Venango.

Crawford, road commissioners of Woodcock to purchase real estate.

Proviso.

Building committee appointed, their powers and duties.

it shall be the duty of the township auditors to examine and settle the accounts of the building committee at least once in three months; and upon the completion of the aforesaid town house, to make a final settlement with the aforesaid building committee, and report the same in the same manner that they now settle with the road commissioners and path-masters: *Provided*, That the building committee shall purchase the aforesaid lot of ground, at or as near the centre of the township as practicable; and that the whole expense of the ground and house shall not exceed five hundred dollars, and that the building committee shall give their bonds to the aforesaid road commissioners, to be approved of by them, in the sum of six hundred dollars, for the faithful application of all money that may come into their hands.

SECTION 40. That the warrants issued to Calvin Stone to collect the state, county, road, school and poor taxes, in the township of Herrick, in the county of Bradford, in the year one thousand eight hundred and forty-four, are hereby revived for the space of one year from the date of this act; and the said Calvin Stone is hereby authorized to exercise all the powers and authority conferred upon him by said warrants, to collect any balance of unpaid taxes upon said duplicate; any laws to the contrary notwithstanding.

Tax warrants of Calvin Stone, of Herrick township, Bradford county, revived.

SECTION 41. That the borough of Loretto, in the county of Cambria, from and after the passage of this act, shall be a separate school district; and the first election under this act, shall be at such time and place as the constituted authorities of said borough shall direct: *Provided*, That at least thirty days' notice, of the time and place of holding said election, shall be given.

Cambria, borough of Loretto, separate school district.

WILLIAM F. PACKER,  
*Speaker of the House of Representatives.*

WM. WILLIAMSON,  
*Speaker of the Senate.*

APPROVED—The seventh day of April, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

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No. 286.

## A N A C T

To incorporate the Methodist Episcopal church of Danville, in the county of Columbia.

WHEREAS, An act of assembly of the commonwealth of Pennsylvania was passed the second day of June, Anno Domini one thousand eight hundred and forty, incorporating the society known by the name of the Methodist Episcopal church of Danville, in Columbia county, into a body politic or corporate, by the name and style of the Methodist Episcopal church of Danville, in the county of Columbia:

Preamble.

*And whereas*, The said act of incorporation is defective, by reason of its non-conformity to the rules and discipline prescribed and adopted

for the government of the Methodist Episcopal church in the United States, as set forth and contained in their book of doctrines and discipline :

*And whereas,* The members of said corporation are desirous of having said defective act of incorporation repealed, and that an act may be passed conforming to the rules and requirements of said book of discipline ; therefore,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the first, second, third, fourth, fifth and sixth sections of the act of assembly of the commonwealth of Pennsylvania, passed the second day of June, Anno Domini one thousand eight hundred and forty, entitled “An Act to incorporate the society known by the name of the Methodist Episcopal church, in the town of Danville, Columbia county, and for other purposes,” be and the same is hereby repealed: *Provided,* That any and all acts, matters and things done under and by virtue of said act of assembly, shall be held valid to all intents and purposes, as if said act of assembly were still in full force and effect.

SECTION 2. That the members of the Methodist Episcopal church of Danville, in Columbia county, be and they are hereby constituted and formed into a body politic and corporate, in deed and in law, by the name, style and title of “The Methodist Episcopal church of Danville, in the county of Columbia,” and by the same name to have perpetual succession, and to be able to sue and be sued, plead and be impleaded, in all courts of law and elsewhere ; and shall be able and capable in law and in equity, to take and hold lands and tenements, goods and chattels of whatsoever nature, kind or quality, real, personal or mixed, which are now or hereafter shall become the property of the said Methodist Episcopal church of Danville, by gift, grant, bargain, sale, conveyance, assurance, will, devise, bequest or otherwise, by any person or persons capable of making the same ; and the same to grant, bargain, sell, convey, mortgage and dispose of for the use of said church : *Provided,* That the yearly income of the real and personal estate of said corporation shall not at any one time exceed two thousand dollars ; nor shall it be lawful for said corporation to hold and enjoy at any one time more than one hundred and fifty acres of land, nor to appropriate any of the surplus funds of said corporation to any other than charitable or religious purposes: *And provided also,* That no sale of any real estate belonging to said corporation, or which shall hereafter become the property of said corporation, shall be lawful, unless such sale shall have been approved by a majority of the male members of said church, present at a special meeting of the members of said corporation, called for that purpose ; notice of which meeting shall have been publicly given from the pulpit on Lord’s day, at least one week previous ; a record of the proceedings of which meeting shall be kept by the secretary of the board of trustees, in the book containing the records of the meetings of said trustees.

SECTION 3. That the temporal affairs of said corporation shall be managed by nine trustees, five of whom shall constitute a quorum for the transaction of business ; said trustees shall be elected by ballot annually, on the first Saturday in May in each and every year, by the members of said corporation legally qualified to vote at such election, according to the provisions of the fifth section of this act ; which trustees shall hold their office for the term of one year, and until successors are duly elected ; and the following named persons, to wit: Edward Finney, Ellis Hughes, John Patton, Thomas Woods, John T. Heath,

Part of former  
act repealed.

Proviso.

Incorporated.

Name.

Privileges.

Proviso.

Proviso.

Management.

Annual election.



Thomas Brandon, Joseph Hartman, Samuel Coulston and George B. Trustees appointed Brown shall be the trustees of said corporation from and after the passage of this act, until the first Saturday of May next, and until the first annual election shall have been held under this act.

SECTION 4. That all elections for trustees under this act shall be held in the house of worship, used and occupied as such at the time by said corporation, and notice of each election shall be given publicly from the pulpit, on Lord's day, immediately before or after divine service, by the minister officiating, or by some other person, at least one week previous to the time of holding said election; all such elections shall be held and conducted in the following manner: The qualified voters of said corporation, present at the hour appointed for holding said election, shall choose from among their number three inspectors, who shall appoint one or more persons to act as clerks; the election shall then be opened, and the stationed minister or preacher having the pastoral charge of the members of said church, shall nominate eighteen persons as candidates to be voted for at said election, all of whom shall possess the qualifications required by the fifth section of this act; and the qualified voters of said corporation shall immediately proceed to vote, by ballot, for trustees, each ticket to contain the names of nine of the persons so nominated as aforesaid: when all the qualified voters present shall have had full time to vote, the inspectors shall declare the election closed, and shall count off the votes polled, and the nine persons having the highest number of votes, shall be declared duly elected trustees for the ensuing year; and the inspectors shall forthwith make out, under their hands, certificates of election to each of the trustees elect, and deliver the same to the secretary of the last board of trustees, who shall within three days thereafter notify said persons of their election.

Elections where and how held.

SECTION 5. That no person shall be eligible as a trustee of said corporation, who is not at the time of his election a citizen of the state of Pennsylvania, over twenty-one years of age, and who shall not have been for at least one year next preceding his election, a member of said church; nor shall any person hold and exercise the office of a trustee after he shall have ceased to be a member of said church; and no person shall be entitled to vote at any election for trustees, or at any other election held under this act, except the male members of said Methodist Episcopal church of Danville, over the age of twenty-one years.

Eligibility.

SECTION 6. That the trustees shall, within ten days after their election, meet and organize, by electing from among their number a president, a secretary and a treasurer, to serve for the ensuing year: *Provided*, That said trustees may at any time remove any of said officers, and elect others to supply their places, when in their opinion the interests of the corporation require it.

Organization. Proviso.

SECTION 7. That if any vacancy shall occur in the board of trustees, by reason of death, or from any other cause, the minister who shall have the pastoral charge of the members of said church, shall, as soon as conveniently be done, call a meeting of the remaining trustees, and when so met, the minister shall proceed to nominate twice as many candidates as there are vacancies to be filled; and from among the persons so nominated, the trustees present shall, by a majority of votes, elect a trustee or trustees to fill such vacancy or vacancies, and the person or persons so elected shall be trustees until the next annual election; in case of a tie vote at any such election, the minister shall give the casting vote; and should the corporation fail or neglect to elect trustees on the day appointed for the annual election, such election may be held at any time thereafter, upon notice of the time and place of holding said

Vacancies, how supplied.

election, having been first given for at least two successive Sabbaths next preceding, in the manner hereinbefore prescribed for giving notice of the annual elections.

**SECTION 8.** That the board of trustees, and their successors, shall have power to enact and enforce such by-laws and ordinances as may be proper and necessary for the transaction and regulation of the business of said corporation: *Provided*, Such by-laws and ordinances shall not be inconsistent with the constitution of the United States nor of the state of Pennsylvania, nor with the doctrine and discipline of the Methodist Episcopal church of the United States; and that said by-laws and ordinances shall have been approved by a majority of the qualified voters of said corporation present, at a special meeting called for that purpose, due notice of which meeting shall have been given, in the manner hereinbefore provided for notices of elections: *And provided further*, That the said trustees and their successors, shall at all times, and forever hereafter, permit such ministers and preachers, belonging to the Methodist Episcopal church of the United States, as shall from time to time be duly authorized by the general conference of the ministers and preachers of the said Methodist Episcopal church, or by the annual conferences authorized by such general conference, in any and all meeting houses or houses of worship belonging to the said corporation, to preach and expound God's holy word, and to execute the discipline of said church and administer the sacraments therein, according to the doctrines and discipline of the said Methodist Episcopal church.

Privileges of members.

**SECTION 9.** That any and all persons who shall hereafter become members of the Methodist Episcopal church of Danville, shall, while they continue to be members of said church, be entitled to all the privileges, and subject to the same restrictions as those who are members of said church at the passage of this act, saving to every member the right to withdraw from said corporation at any time.

Title to real estate vested in corporation.

**SECTION 10.** That the title to all real estate now held, owned or possessed by the said Methodist Episcopal church of Danville, or held and owned at and immediately before the passage of this act, as a corporation under the act of the second day of June, Anno Domini one thousand eight hundred and forty, be and the same is hereby vested in the corporation created by this act, as fully, entirely and absolutely, as the same was held by said former corporation at and immediately before the passage of this act; and all personal property belonging to said church, is hereby declared to be the property of the corporation hereby created; and the said corporation hereby created, shall have full power and authority to enforce, by legal process instituted in the name of this corporation, any and all agreements and contracts entered into by said church as a corporation, under the act of June second, one thousand eight hundred and forty, with any person or persons whatsoever, and to collect all debts due, owing or payable, or hereafter to become payable to said former corporation, in the same manner as said former corporation might and could have done if said act of incorporation had not been repealed; and shall also be liable for all debts due, owing and payable by said former corporation, in like manner as if said debts had been created after the passage of this act.

Also personal property.

To keep a book of record.

**SECTION 11.** That the trustees of said corporation shall keep a book in which shall be transcribed a copy of this act, and a copy of all by-laws and ordinances hereafter passed by them, and approved as herein aforesaid; and also a record of the proceedings of all meetings of said trustees, and of all business meetings of said corporation, which books shall, at all reasonable hours, be open for inspection upon demand made by any member of the corporation.

SECTION 12. That said corporation shall have a right to make and Seal.  
use a common seal, with such device and inscription as to them shall  
seem meet, and the same to break, alter and renew at pleasure.

SECTION 13. That the legislature hereby reserves the right to alter, Reservation.  
amend or repeal this act, or any part thereof, at any time hereafter.

WILLIAM F. PACKER,  
*Speaker of the House of Representatives.*

WM. WILLIAMSON,  
*Speaker of the Senate.*

APPROVED—The seventh day of April, one thousand eight hundred  
and forty-eight.

FRS. R. SHUNK.

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No. 287.

## A SUPPLEMENT

To an act, entitled “An Act approved the seventeenth day of March, Anno  
Domini, one thousand eight hundred and forty-eight, relative to the Harrisburg,  
Portsmouth, Mount Joy and Lancaster railroad company.

SECTION 1. *Be it enacted by the Senate and House of Representa-  
tives of the Commonwealth of Pennsylvania in General Assembly  
met, and it is hereby enacted by the authority of the same, That*  
so much of the act, approved the seventeenth day of March, Anno  
Domini, one thousand eight hundred and forty-eight, as provides for  
constructing a branch of the Harrisburg, Portsmouth, Mount Joy and  
Lancaster railroad, commencing at a point between Mount Joy and the  
tunnel, be and is hereby extended, with the privilege of commencing at  
or near Mount Joy, or a point not further west of the tunnel on said  
railroad, than the borough of Elizabethtown: *Provided however, That*  
the said company may make a branch road, to leave the main line west  
of Elizabethtown; and it shall continue, in such case, to keep up and  
maintain the present road in running order, and to use the same with  
locomotives and trains, as now used.

WILLIAM F. PACKER,  
*Speaker of the House of Representatives.*

WM. WILLIAMSON,  
*Speaker of the Senate.*

APPROVED—The seventh day of April, one thousand eight hun-  
dred and forty-eight.

FRS. R. SHUNK.

No. 288.

## A N A C T

To authorize Magdalena Leschall, to execute a deed to Jacob Gougler, of the city of Lancaster.

Authorized to  
execute a deed.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* Magdalena Leschall, late of the city of Lancaster, Pennsylvania, be and she is hereby authorized to execute a deed, and to convey to Jacob Gougler, of the said city, all that certain piece of ground in that part of said city called Bethelstown, with a one story frame dwelling house and other improvements thereon, adjoining property of Frederick Oehner, and an alley late the property of John Leschall, deceased.

Application of  
purchase money.

SECTION 2. That said Magdalena Leschall be and she is hereby authorized to apply the balance of the purchase money for said premises, yet due by said Jacob Gougler, (when paid to her upon the delivery of the conveyance aforesaid,) towards reimbursing herself for money advanced by her, since decease of said John Leschall, in payment of the purchase money due by him for the same property.

WILLIAM F. PACKER,  
*Speaker of the House of Representatives.*

WM. WILLIAMSON,  
*Speaker of the Senate.*

APPROVED—The seventh day of April, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

No. 289.

## A N A C T

To authorize the directors of the York County manufacturing company to wind up and settle the affairs of the company, and distribute the assets among the stockholders.

Authorized to  
wind up the con-  
cerns of the  
company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* as soon as a majority, in number, of persons holding stock, either in their own right, or in a representative capacity, in the York County manufacturing company, and holding together more than the one-half

of the whole number of shares in the capital stock, shall give their assent thereto in writing, it shall be lawful for the directors of the said company to proceed, with all convenient speed, to close the business, to liquidate, settle and wind up all the concerns of the said company.

SECTION 2. That as soon as the assent aforesaid shall be given, it shall be lawful for the said directors to sell all the machinery and personal property belonging to said company, or any part thereof, in separate parcels, at public or private sale, for such price as they shall deem reasonable; and also to sell the real estate belonging to said company, or which is held in trust for the stockholders thereof, with the consent of John Barnitz, Martin Ebert and Henry Ebert, or either of them, at public or private sale, for such price as said directors shall deem reasonable.

Authorized to  
sell machinery  
and real estate.

SECTION 3. That the money which shall be obtained for the sale of said real and personal estate, shall be paid to Martin Ebert, or such other person as the said directors may hereafter appoint as treasurer of said company; and the said John Barnitz, Martin Ebert and Henry Ebert, or either of them, are hereby authorized to execute a deed, in fee simple for said real estate, to the purchaser or purchasers; and when all said property shall have been sold, and the money therefor received, all the expenses and all the debts of the said company shall be first paid, and the balance be divided among the stockholders, and paid to them or their legal representatives, on the order of the president of said company, in proportion to the amount of stock they respectively hold.

Application of  
proceeds of sale.

SECTION 4. That the charter of said company shall continue, and the direction kept up according thereto, until a final dividend of the assets shall be made as aforesaid, and then the charter shall be deemed and taken to be extinct.

Charter con-  
tinued.

WILLIAM F. PACKER,  
*Speaker of the House of Representatives.*

WM. WILLIAMSON,  
*Speaker of the Senate.*

APPROVED—The seventh day of April, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

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No. 290.

## AN ACT

Incorporating the congregation worshipping in the Union Bethel, by the name and style of the Church of God, at Harrisburg.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That the church worshipping in the Union Bethel, at Harrisburg, in the county of Dauphin and state of Pennsylvania, is hereby erected into a body politic and corporate in deed and in law, by the name, style and*

Style.

## Privileges.

title of the Church of God, at Harrisburg; and by the same name shall have perpetual succession, and be able to sue and to be sued, to plead and to be impleaded in all courts of law, or elsewhere; and shall be able and capable in law and equity, to take and to hold by their rulers and elders of said church, and their successors in office, for the use of said church, lands, tenements, choses in action, goods and chattels of whatever kind, nature or quality, real, personal or mixed, which are now, or shall hereafter become the property of the said church or corporation, or to be held for their use by gift, grant, bargain, sale, conveyance, devise, bequest or otherwise, from any person or persons whomsoever capable of making the same; and the same to grant, bargain, sell, mortgage, improve or dispose of, for the use and benefit of the said congregation or church: *Provided*, That the yearly value or income of the said estates shall not, at any time, exceed the sum of four thousand dollars.

## Proviso.

## Assumption of liabilities.

SECTION 2. All bona fide engagements entered into, and liabilities contracted heretofore by individuals, for the proper debts of the said congregation, or for money borrowed for its use and benefit, and by its authority, shall, immediately after the enrolling hereof, be held and deemed the debts of the body politic and corporate hereby created, which shall be liable therefor in its corporate capacity and property; and all moneys now due and owing to the said congregation, as a congregation, shall be taken and deemed to be moneys due and owing to the said corporation.

## Common seal.

SECTION 3. The said elders, and their successors, shall have power to make and use one common seal, with such device and inscription as they shall think proper, and the same alter at pleasure; and to make, enact, enjoin and enforce by-laws and ordinances for the regulation and transaction of the affairs of the said church: *Provided*, The said by-laws and ordinances be framed and enacted in conformity with the provisions of this act: *And provided also*, That they be not inconsistent with the constitution and laws of the United States, or of the commonwealth of Pennsylvania.

## By-laws.

## Proviso.

## Proviso.

## To elect elders.

## Proviso.

SECTION 4. In the manner and at the time hereinafter appointed, the qualified members of said church shall elect, from their own body, four persons as ruling elders: *Provided*, That no person shall be eligible to said office of ruling elder, who is not a qualified member of this body, as required by the eighth section of this act.

## Elders.

## Annual election.

## Proviso.

SECTION 5. The following named persons shall fill the said office of elders, until others be elected as hereinafter provided, viz: John Young, Isaac Stees, Jacob Miley and Michael Newman, and to continue in office until the last Thursday in December, eighteen hundred and forty-eight, and on which day annually thereafter, the members of said church, qualified to vote by the eighth section of this act, shall elect from their own body, four persons as elders for the ensuing year: *Provided however*, That in case of vacancy by death or otherwise, the remaining elders shall appoint a person or persons to supply the vacancy until the next regular election shall be held, when such vacancy shall be filled by election.

## Powers of elders.

SECTION 6. The elders aforesaid shall have the control over, and management of all the secular and pecuniary affairs of said church, the care of the house and other church property, now or hereafter belonging to them, and all other temporal concerns and business of the church, and appoint a secretary, treasurer and all other officers necessary to the proper and convenient discharge of their functions and duties; and the said elders, with the pastor of the church, shall compose a church council, who shall have sole control of the spiritual concerns of the

church; yet, nevertheless, they may if they think proper, convene and call together for their aid, the deacons and members of the church, upon any occasion, either for temporal or spiritual purposes.

SECTION 7. If it shall so happen that no election takes place on the regular day appointed for that purpose, the elders then in office may appoint any subsequent day, not longer than eight weeks, nor less than four weeks distant, for holding such election, giving notice thereof as required by the eighth section of this act, to elect a board of elders to serve until the next annual election. Proceedings in default of holding an election.

SECTION 8. Any member of said church, against whom there exists no charges of complaints, and who shall have paid a contribution towards the discharge of the yearly expenses of the church, according to ability, and who shall not be in arrears for such contribution, for a longer period than one year, (except from unavoidable cause,) and no others, shall be entitled to vote at the elections of said church; of all which elections at least four weeks' notice shall be given by announcement from the pulpit, or some other public manner. Qualification.

SECTION 9. No enumeration of powers, privileges and duties herein contained, shall be so construed as to exclude others not enumerated, which are necessary to the proper fulfilment of the design and purposes of this act, and not inconsistent with its express provisions and limitations. Powers.

WILLIAM F. PACKER,  
*Speaker of the House of Representatives.*

WM. WILLIAMSON,  
*Speaker of the Senate.*

APPROVED—The eighteenth day of March, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

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No. 291.

## AN ACT

Relative to the removal of the seat of justice, in Delaware county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That the several provisions of an act, entitled "An Act concerning the removal of the seat of justice, in Delaware county," approved March third, eighteen hundred and forty-seven, so far as they authorize the removal of the seat of justice from the borough of Chester, be and the same are hereby confirmed and made of full force and effect; and when the public buildings referred to in said act, shall have been completed, it shall be the duty of the court, sheriff and other officers of said county, to do and perform the things mentioned and required to be done and performed in said act: Provided, That this act shall not go into effect* Proviso.

Proviso.

until a decision shall be obtained from the supreme court, on the validity of said act of March third, eighteen hundred and forty-seven: *Provided however*, That said decision shall be obtained in one year from the date of the passage of this act.

WILLIAM F. PACKER,  
*Speaker of the House of Representatives.*

WM. WILLIAMSON,  
*Speaker of the Senate.*

APPROVED—The seventh day of April, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

No. 292.

## AN ACT

To re-incorporate the Beaver Falls water company, change its name, and enlarge its powers.

Style.

Privileges.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same*, That the division of the water power at Fallston, on the west side of Beaver river, in the county of Beaver, into one hundred equal shares, is hereby confirmed; and all the owners of the said shares, whether appendant, appurtenant or in gross, who shall subscribe this charter as hereinafter mentioned, and their successors in the said ownership, by descent or by purchase, are and hereby are declared to be a body politic and corporate in law, by the name, style and title of “The Fallston water company;” and by the same name shall have perpetual succession, and all the powers, privileges and franchises of a corporation; and shall be capable in law, to sue and be sued, to have a common seal, and the same to alter and renew at pleasure, to make ordinances, rules and by-laws, not inconsistent with the constitution and laws of this commonwealth, for the regulation and management of the said corporation, its property and affairs; to hold and purchase, and hold to them, their successors and assigns, in fee simple or otherwise, such lands, tenements and hereditaments, corporeal and incorporeal, and such personal estate as shall be necessary to them in the use, management, prosecution and improvement of their works, and to do all and every other act and thing which a corporation or body politic may lawfully do: *Provided*, That nothing herein contained shall be considered as conferring banking or trading privileges.

Proviso.

Commissioners.

Duty.

SECTION 2. That John Pugh, Robert Townsend, John Minor, Silas Merrick and Richard Morlan, or any three or more of them, are hereby appointed commissioners, whose duty it shall be to procure a suitable book, and to copy therein the charter hereby conferred at full length; and by advertisements set up in public places or published in a news-



paper, or otherwise, to give notice to all the owners of the shares of water power at Fallston, of the place where the said book is deposited for the time being, that they may subscribe their names to the charter therein copied. And it shall be lawful for the owners of the said shares in person, or by agent authorized in writing, minors, by their guardians and executors, upon whom power of sale is conferred by will, to subscribe to the said charter and become members of the said corporation; which charter, when so subscribed by at least three-fourths of the owners aforesaid, shall be good evidence in law whensoever produced.

If three-fourths of the present owners of the said shares shall subscribe this charter, the said Beaver Falls water company shall become merged in the said Fallston water company; and the first meeting of the shareholders of the last named company shall take place in a reasonable time thereafter, of which notice shall be given by the said commissioners, in the manner within after provided for the annual meetings; at the said meeting a board of three directors shall be chosen, in manner provided for annual elections, who shall have the same powers, and perform the same duties pertaining and belonging to the annual directors, and shall hold their offices until successors shall be chosen and enter upon their duties.

Condition upon which the company may become merged in the Fallston water company.

Election of board.

**SECTION 3.** The general meeting of the shareholders of the said company, shall be held on the last Saturday in December annually; of the time and place of holding which, the directors for the time being shall give notice to the members, by not less than five handbills put in the public places, or by advertisement in a public newspaper of said county. At the said annual meetings the shareholders shall elect three directors for the ensuing year, of whom any two shall be a quorum to do business, and one of their number, by themselves, shall be chosen president, and another clerk of the board; in the case of the death, resignation, removal, refusal or inability of a director to act, his place may be filled for the remainder of the term by appointment of the board of directors, or in such other mode as shall be provided by ordinance or by-law; no omission to hold the said annual meeting, or to elect directors, shall on that account be deemed a dissolution of the corporation, but the said meeting shall take place, and election held at any time within the following year, and in the mean time the directors for the time being shall continue in office.

Annual meeting.

**SECTION 4.** The votes of the shareholders for directors shall be by ballot; and for the election of directors, and the decision of all questions in the general meetings of the shareholders, the rates of votes shall be as follows, to wit: A shareholder having three shares or less, one vote; four shares and not more than seven, two votes; eight shares and not more than twelve, three votes; thirteen shares and upwards, four votes; proxies may be held and voted upon by known agents of shareholders, (and by tenants or persons using and occupying the water power of such shareholders,) but no shareholder shall be entitled, in his own right and by proxy, to a greater number than four votes; nor shall any person be entitled to vote by virtue of any share or shares, unless the share or shares shall have been owned and held by the shareholder, by or through whom the right to vote is claimed, at least two months previous to the time of offering said vote.

Votes.

**SECTION 5.** It shall be the duty of the directors going out of office, to render accounts of all the receipts and expenditures during their term, to the directors newly elected, who shall examine the same, and allow such as shall be just and reasonable; subject, nevertheless, in case of disagreement, to the arbitrament of disinterested persons, to be mutually chosen by the parties; or in case of disagreement or refusal to be nomi-

Render accounts.

Examination of accounts.

Proviso.

nated, by the nearest justice of the peace not interested, at the request of either party, from whose award an appeal, to be certified by them, may be taken, within twenty days thereafter, to the next succeeding court of common pleas of said county : *Provided*, The amount in controversy shall exceed one hundred dollars, and that the party appellant make oath or affirmation that it is not for the purpose of delay, but because he or they firmly believed injustice has been done, and enter into recognizance, with good security, before the said arbitrators, in a sum sufficient to cover the demand, and all costs, to prosecute his or their appeal with effect.

Power of corporation.

SECTION 6. The powers of the said corporation shall further embrace the maintenance, improvement, extension, preservation, repair, regulation and control of the dam, race, water course, gates, sluices and all other property and works of the company, or used by them. The said corporation also shall have power, singly or in conjunction with any other corporation, or with individuals, to build a new dam upon the site of their present dam, or at any other site suitable for their works, and the same singly or in conjunction as aforesaid to maintain, preserve, repair, re-build, regulate and control, together with the works connected therewith, or appertaining thereto; and also singly or in conjunction as aforesaid, to use, maintain and repair any other dam, and to purchase rights, extinguish claims, and do every other needful or necessary act. It is also hereby declared, that the first proviso in the first section, and the second and third sections of the act of the twenty-third March, one thousand eight hundred and three, entitled "An Act to authorize any person or persons owning lands adjoining navigable streams of water declared public highways, to erect dams upon such streams, for mills and other works," shall not be applicable to the said dams, or any dam hereafter erected by the said Fallston water company as aforesaid.

Powers and duties of directors.

SECTION 7. It shall be the duty of the directors of the said corporation to exercise and perform all the powers and duties by this act confirmed and enjoined upon the said corporation, and not otherwise provided to be done or performed by others, to transact all its business, and to do and perform all acts and duties enjoined upon them by the ordinances and by-laws of the company. They shall also ascertain the expenses of the company, as often as occasion may require, and make a just and fair apportionment of the same among the several members, according to their shares, and enforce the payment thereof, in money or in work, as may be required; of which apportionments a record shall be made in the minutes of the corporation, and certified by a majority of those present, or by their clerk; and the said record shall be good evidence in any action for the recovery of the sums therein contained, or for non-performance of the work required : *Provided*, That the member sued for the same, shall be at liberty to show any material error or mistake committed to his prejudice.

Proviso.

Duties of members.

SECTION 8. Each and every member of the said corporation, and his successors by descent or purchase, shall pay to the proper person appointed to receive the same, or work out, as the case may be, his proportion of all expenses incurred, or to be incurred, by the said company, in the maintenance, improvement, extension, preservation, erection, building and repair of all their works, the management of the affairs of the corporation, and in the purchase of property and extinguishment of claims. He shall also, at his own expense, remove obstructions and keep the race or water course open through his lot, in such manner as to promote the general interest, and to give the greatest fall of water the ground will admit. In case of the neglect or refusal

of any member to remove obstructions, perform the work required, pay the proportion of expenses assessed upon him, or to pay such penalties as he may be subjected to, he shall be liable to the suit of the said company for the recovery of such amounts, sums or penalties as he should or ought to pay, to be sued for as sums or debts of a like amount are by law recoverable. In case the member so neglecting or refusing shall be a non-resident of the county of Beaver, the process may be served upon his known agent in the said county, or upon the person renting, using or occupying his share or shares of water power; and if he have no known agent, tenant or occupier, may be served by publication in a newspaper printed in the said county, at least three successive weeks before judgment. Transcripts of judgments recovered before a justice of the peace, under this section, may be filed of record in the court of common pleas of said county, and proceedings taken thereon, as in other cases. When any member against whom judgment shall be rendered in pursuance of this section, before a justice of the peace, and transcript filed, or in court, shall own any share or shares of water power in gross, and not appendant or appurtenant to a lot or other real estate, the said share or shares shall be liable to levy and sale in like manner as other real estate is now liable.

WILLIAM F. PACKER,  
*Speaker of the House of Representatives.*

WM. WILLIAMSON,  
*Speaker of the Senate.*

APPROVED—The eighth day of April, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

---

No. 293.

## AN ACT

To re-incorporate the New Brighton water company, and enlarge its powers.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That the division of the water power at New Brighton, on the east side of Beaver river, into one hundred equal shares is hereby confirmed; and all the owners of said shares, whether appendant, appurtenant or in gross, who shall subscribe this charter as hereinafter mentioned, and their successors in the said ownership, by descent or by purchase, are and hereby are declared to be a body politic and corporate in law, by the name, style and title of "The New Brighton water company;" Style. and by the same name shall have perpetual succession, and all the Privileges powers, privileges and franchises of a corporation; and shall be capable in law to sue and be sued, to have a common seal, and the same to alter and renew at pleasure; to make ordinances, rules and by-laws not in-*

consistent with the constitution and laws of this commonwealth, for the regulation and management of said corporation, its property and affairs; to hold, and to purchase and hold to them, their successors and assigns, in fee simple or otherwise, such lands, tenements and hereditaments, corporeal or incorporeal, and such personal estate as shall be necessary to them in the use, management, prosecution and improvement of their works, and to do all and every other act and thing which a corporation or body politic may lawfully do : *Provided*, That nothing herein contained, shall be considered as conferring banking and trading privileges.

Proviso.

Commissioners.  
Duties.

SECTION 2. That Talbot Townsend, Benjamin Wilde, Henry Stauffer, William C. Estep and Charles Coale, or any three or more of them, are hereby appointed commissioners, whose duty it shall be to procure a suitable book, and to copy therein the charter hereby conferred at full length, and by advertisements set up in public places, or published in a newspaper or otherwise, to give notice to all the owners of the shares of water power at New Brighton, of the place where the said book is deposited, for the time being, that they may subscribe their names to the charter therein copied. And it shall be lawful for the owners of the said shares, in person, or by agent authorized in writing, minors, by their guardians and executors, upon whom power of sale is conferred by will, to subscribe to the said charter, and become members of the said corporation; which charter, when so subscribed by at least three-fourths of the owners aforesaid, shall be good evidence in law, wheresoever produced; and the first meeting of the shareholders of the New Brighton water company shall take place in a reasonable time thereafter, of which notice shall be given by the said commissioners in the manner hereinafter provided for the annual meeting; at the said meeting a board of five directors shall be chosen, in manner provided for the annual election, who shall have the same powers, and perform the same duties pertaining and belonging to the annual directors, and shall hold their offices until successors shall be chosen, and enter upon their duties.

First meeting.

Elect directors.

Annual meeting.

Election of board.

SECTION 3. The general meeting of the shareholders of the said company, shall be held on the last Saturday in December annually; of the time and place of holding which, the directors, for the time being, shall give notice to the members, by not less than five handbills put up in public places, or by advertisement in a public newspaper of said county. At the said annual meeting, the shareholders shall elect five directors for the ensuing year, of whom any three shall be a quorum to do business, and one of their number, by themselves, shall be chosen president, and another clerk of the board; in the case of the death, resignation, removal, refusal or inability of a director to act, his place may be filled, for the remainder of the term, by appointment of the board of directors, or in such other mode as shall be provided by ordinance, or by law; no omission to hold the said annual meeting, or to elect directors shall, on that account, be deemed a dissolution of the corporation; but the said meeting shall take place, and election held, at any time within the following year, and in the mean time the directors, for the time being, shall continue in office.

Votes.

SECTION 4. The votes of the shareholders for directors shall be by ballot, and for the election of directors, and the decision of all questions in the general meetings of the shareholders, the ratio of votes shall be as follows, to wit : A shareholder having three shares or less, one vote; four shares and not more than seven, two votes; eight and not more than twelve, three votes; thirteen and upwards four votes; proxies may be held and voted upon by known agents of shareholders, (and by tenants, or persons using and occupying the water power of such share-

holders,) but no shareholder shall be entitled in his own right, and by proxy, to a greater number than four votes; nor shall any person be entitled to vote, by virtue of any share or shares, unless the said share or shares shall have been owned and held by the shareholder, by or through whom the right to vote is claimed, at least two months previous to the time of offering said vote.

SECTION 5. It shall be the duty of the directors going out of office, to render accounts of all receipts and expenditures, during their term, to the directors newly elected, who shall examine the same, and allow such as shall be just and reasonable, subject, nevertheless, in case of disagreement, to the arbitrament of disinterested persons, to be mutually chosen by the parties; or in case of disagreement or refusal, to be nominated by the nearest justice of the peace not interested, at the request of either party; from whose award an appeal, to be certified by them, may be taken within twenty days thereafter, to the next succeeding court of common pleas of said county: *Provided*, The amount in controversy shall exceed one hundred dollars, and that the party appellant make oath or affirmation, that it is not for the purpose of delay, but because he or they firmly believed injustice has been done, and enter into recognizance, with good security, before the said arbitrators, in a sum sufficient to cover the demand and all costs, to prosecute his or their appeal with effect.

Render accounts.  
Examination of accounts.  
Proviso.

SECTION 6. The powers of the said corporation shall further embrace the maintenance, improvement, extension, preservation, repair, regulation and control of the dam, race, water course, gates, sluices and all other property and works of the company, or used by them. The said corporation also shall have power, singly or in conjunction with any other corporation, or with individuals, to build a new dam upon the site of their present dam, or at any other site suitable for their works, and the same singly or in conjunction as aforesaid to maintain, preserve, repair, re-build, regulate and control, together with the works connected therewith or appertaining thereto; and also singly or in conjunction as aforesaid, to use, maintain and repair any other dam, and to purchase rights, extinguish claims, and do every other needful and necessary act. It is also hereby declared, that the first proviso in the first section, and second and third sections of the act of the twenty-third March, one thousand eight hundred and three, entitled "An Act to authorize any person or persons owning lands adjoining navigable streams of water declared public highways, to erect dams upon such streams, for mills and other works," shall not be applicable to the said dam, or any dam hereafter erected by the said New Brighton water company as aforesaid.

Powers of corporation.

SECTION 7. It shall be the duty of the directors of the said corporation to exercise and perform all the powers and duties by this act confirmed and enjoined upon the said corporation, and not otherwise provided to be done or performed by others, to transact all its business, and to do and perform all acts and duties enjoined upon them by the ordinances and by laws of the company. They shall also ascertain the expenses of the company as often as occasion may require, and make a just and fair apportionment of the same among the several members, according to their shares, and enforce the payment thereof, in money or in work, as may be required; of which apportionments a record shall be made in the minutes of the corporation, and certified by a majority of those present, or by their clerk; and the said record shall be good evidence in any action for the recovery of the sums therein contained, or for non-performance of the work required: *Provided*,

Duty of directors.  
Proviso.

'That the member sued for the same, shall be at liberty to show any material error or mistake committed to his prejudice.

Duties of members.

SECTION 8. Each and every member of the said company, and his successors by descent or purchase, shall pay to the proper person appointed to receive the same, or to work out, as the case may be, his proportion of all expenses incurred, or to be incurred by the said company in the maintenance, improvement, extension, preservation, erection, building and repair of all their works, the management of the affairs of the corporation, and in the purchase of property and extinguishment of claims. He shall also, at his own expense, remove obstructions and keep the race or water course open through his lot, in such manner as to promote the general interest, and to give the greatest fall of water the ground will admit. In case of the neglect or refusal of any member to remove obstructions, perform the work required, pay the proportion of expenses assessed upon him, or to pay such penalties as he may be subjected to, he shall be liable to the suit of the the said company for the recovery of such amounts, sums or penalties as he should or ought to pay, to be sued for as sums or debts of a like amount are by law recoverable. In case the member so neglecting or refusing shall be a non-resident of the county of Beaver, the process may be served upon his known agent in the said county, or upon the person renting, using or occupying his share or shares of water power; and if he have no known agent, tenant or occupier, may be served by publication in a newspaper printed in the said county, at least three successive weeks before judgment. Transcripts of judgments recovered before a justice of the peace, under this section, may be filed of record in the court of common pleas of said county, and proceedings taken thereon, as in other cases. When any member against whom judgment shall be rendered in pursuance of this section, before a justice of the peace, and transcript filed, or in court, shall own any share or shares of water power in gross, and not appendant or appurtenant to a lot or other real estate, the said share or shares shall be liable to levy and sale, in like manner as other real estate is now liable.

WILLIAM F. PACKER,

*Speaker of the House of Representatives.*

WM. WILLIAMSON,

*Speaker of the Senate.*

APPROVED—The eighth day of April, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

No. 294.

## A N A C T

Relative to the claim of Buyers and Umble.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the canal commissioners be and they are hereby authorized to examine the claim of Buyers and Umble, for damages alledged to have been sustained by a concussion of cars, on the twenty-seventh of February, one thousand eight hundred and forty-seven, on the Columbia railroad; and if they shall find that the accident was occasioned by the negligence or carelessness of the engineers, or other state agent or agents, or any insufficiency of the road or engines, they shall assess the amount of damages, if any, and report the facts to the legislature.

WILLIAM F. PACKER,  
*Speaker of the House of Representatives.*

WM. WILLIAMSON,  
*Speaker of the Senate.*

APPROVED—The eighth day of April, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

No. 295.

## A S U P P L E M E N T

To an act, entitled "An Act to erect the village of Honesdale, in the county of Wayne, into a borough," passed the twenty-eighth day of January, Anno Domini eighteen hundred and thirty-one.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the town council of the borough of Honesdale, in the county of Wayne, are hereby authorized and empowered to give notice to any owner or owners, occupant or occupants of any lot or lots, bounded by any of the public streets, in said borough, to make suitable side walks along and opposite to their respective lots, either by flagging, paving, planking or graveling the same, as the said town council shall direct in said notice, and of the width, grade and at the points the said town council

Power to compel  
owners to pave,  
&c., side walks,  
&c.

Upon neglect,  
town council to  
do the work and  
enter a lien for  
the amount.

shall direct in said notice, or that shall be fixed by the authority of the town council. And if any owner or owners, occupant or occupants of any lot or lots as aforesaid, shall omit to comply with the requirements of said notice, and shall neglect to make, or cause to be made and finished, the walk or walks required by said notice as aforesaid, for the space of ninety days after said notice shall have been given so as aforesaid, it shall be lawful for the town council to proceed to construct said walks, in such manner as they may deem fit and proper, keeping a just and true account of the costs and expenses thereof; for the recovery of which, they are hereby authorized to file a claim in the nature of a mechanic's lien, in the court of common pleas of Wayne county, in the name of the borough of Honesdale, against the owner or owners, reputed owner or owners, occupant or occupants of the lot or lots opposite to which said side walks have been made, which claim so filed shall be a lien upon said lot or lots; and the town council are authorized to proceed and collect the same in the manner pointed out by the act of the sixteenth of June, Anno Domini one thousand eight hundred and thirty-six, and its several supplements, relating to the lien of mechanics and others upon buildings.

Jurisdiction of  
burgess.

SECTION 2. That the chief burgess, and in his absence or inability to serve, the assistant burgess of said borough, shall have jurisdiction of all actions for penalties imposed by any by-law or ordinance of said borough, to hear and determine the same, and proceed to judgment thereon, and issue execution in the same manner as penalties of like amount are recoverable, and appeals allowed before justices of the peace.

Relative to the  
publication of  
ordinances.

SECTION 3. The affidavit of the secretary of the town council, or of the borough constable, sworn to before a justice of the peace, stating that the by-laws have been published according to the requirements of the sixth section of the act to which this is a supplement, entitled "An Act to erect the village of Honesdale, in the county of Wayne, into a borough," shall be conclusive evidence of that fact in any court.

WILLIAM F. PACKER,  
*Speaker of the House of Representatives.*

WM. WILLIAMSON.  
*Speaker of the Senate.*

APPROVED—The eighth day of April, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.



No. 296.

## AN ACT

To authorize the trustees of Erie academy to make title to certain lands, formerly the property of said academy.

WHEREAS, The commonwealth heretofore appropriated and granted Preamble.  
to the Erie academy, in the county of Erie, a certain tract of land containing five hundred acres, situate in the township of Mill Creek, in said county of Erie:

And whereas, The trustees of said academy have from time to time granted portions of said land, at a certain valuation or appraisement per acre, to tenants on leases running nine hundred and ninety-nine years, reserving stipulated rents or interest on the appraised value of the lands as aforesaid, to be paid annually by the said tenants, respectively, to the said trustees:

And whereas, The said tenants have become desirous of terminating the said leases, by paying to the said trustees per acre the amount at which the lands they hold, respectively, were valued as aforesaid, together with all rents as aforesaid, due and unpaid, and receiving from the said trustees good and sufficient deeds, in fee simple, for the lands which they now hold, respectively, as lease-hold tenants; therefore,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That it shall and may be lawful for the said trustees, and they are hereby Trustees to make authorized and empowered, upon payment to them by any of the tenants aforesaid, of the appraised value as aforesaid, of the lands which he, she or they may, by virtue of any lease or leases as aforesaid, hold, together with any rent which may be due thereon, to make, execute and deliver to the said tenant or tenants, respectively, good and sufficient deed or deeds in fee simple, according to the true intent and meaning of this act.

SECTION 2. That it shall not be lawful for the trustees of Erie academy aforesaid, at any time hereafter, or in any manner to expend the whole Invest proceeds.  
or any portion of the principal sum thus received on sale of the lands aforesaid; but the same shall be invested in loan or loans, bearing interest payable annually, and property secured by mortgage on real estate; and any of the trustees aforesaid, offending against the provisions of this section, on conviction thereof in the court of quarter sessions of Erie county, shall pay a fine of not less than double the amount of the sums so expended, for the use of Erie academy, or undergo imprisonment at the discretion of the court.

WILLIAM F. PACKER,  
*Speaker of the House of Representatives.*

WM. WILLIAMSON,  
*Speaker of the Senate.*

APPROVED—The eighth day of April, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

No. 297.

A SUPPLEMENT

To the act, entitled “An Act to incorporate the borough of West Philadelphia,” approved the seventeenth day of February, Anno Domini one thousand eight hundred and forty-four, and relative to the borough of Tamaqua, and the erection of a poor house in the township of Mahoning, in the county of Columbia.

Powers and duties of commissioners.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the commissioners named in the second section of the act to which this is a supplement, or any three of them acting in the premises, are hereby empowered to do and perform all the acts, matters and things which the said commissioners, or a majority of them, were authorized to do and perform under the provisions of the said act, and may compromise and compound with any of the debtors to the said late borough, as to them may seem just and proper; and all claims, liens, dues and demands, for any taxes levied and assessed within or by the said late borough of West Philadelphia, as borough or poor tax, as well as those for grading, curbing, paving or other work done and performed by or under the authority of the said late borough, and now remaining unpaid, shall be and continue in full force and effect until paid or discharged by due course of law; and no exceptions shall be taken or allowed in consequence of any delay which has arisen in the premises, or on account of any defect of form in the proceedings.

Limit of taxation repealed.

SECTION 2. That so much of the second and third sections of the act to which this is a supplement, as can be construed to prevent an immediate assessment by the commissioners, or any three of them acting in the premises, or limits the same to fifteen cents in the hundred dollars in any one year, and the whole amount to be assessed, levied and collected, be and the same is hereby repealed: *Provided however,* That the whole sum to be levied, assessed and collected, shall not exceed three thousand dollars: *And provided further,* That the taxes to be levied by virtue of this act, or the act to which this is a supplement, shall be levied agreeably to the assessed value of the property embraced within the limits of the late borough, to be ascertained by the last triennial assessment.

Proviso.

Proviso.

Boundaries of the borough of Tamaqua extended.

SECTION 3. That from and after the passage of this act, the borough of Tamaqua, in the county of Schuylkill, shall be comprised within the following boundaries, to wit: Beginning at the western extremity of Mauch Chunk street; thence north five and an-half degrees west two hundred and twenty perches to a stone; thence north sixty-eight degrees east three hundred and sixty perches to a post; thence south five and an-half degrees east four hundred and thirty-four perches to an oak; thence south sixty-eight degrees west three hundred and sixty perches to a chestnut; and thence north five and a-half degrees west two and fourteen perches to the place of beginning.

To elect town council.

SECTION 4. It shall be lawful for the qualified electors of the borough of Tamaqua aforesaid, on the third Friday of March, one thousand eight hundred and forty-nine, to elect six persons as town council, two of whom shall be elected for three years, two for two years and two

for one year ; and the said electors shall designate on their tickets the term of each person voted for ; annually thereafter two persons shall be elected to fill the place of those whose term may be about to expire, and the persons so elected shall hold their office for the term of three years.

SECTION 5. That so much of the act, approved the eighth day of April, one thousand eight hundred and thirty-three, as is hereby altered, amended or supplied, be and the same is hereby repealed ; and that so much of said act as is not hereby altered, amended or supplied, be and continue in full force and operation.

Part of former act repealed.

SECTION 6. That the overseers of the poor in the township of Mahoning, in the county of Columbia, are hereby authorized to purchase and receive a title for a farm for the use of said township, and to erect suitable buildings thereon, for the purpose of accommodating the paupers of the said township.

Overseers of the poor of Mahoning township, Columbia county, may purchase real estate and erect a poor house.

SECTION 7. That the said overseers shall have authority to borrow, for the said purpose, any amount of money not exceeding five thousand dollars, and to mortgage the said farm for the re-payment of the said loan, and to increase the poor tax of the said township, so as to enable them to effect the object of the provisions of the first section of this act.

May borrow money.

SECTION 8. That if the town of Danville, in the said township, shall be hereafter erected into a borough, then and thereafter the said farm, and the buildings thereon erected, with the appurtenances, shall be the joint property of the said borough and township, and shall be managed by the overseers of the poor of the said borough and township, and supported by the tax raised from both, in the same manner as if no division had taken place.

Real estate to become joint property with the town of Danville, if incorporated into a borough.

WILLIAM F. PACKER,  
*Speaker of the House of Representatives.*

WM. WILLIAMSON,  
*Speaker of the Senate.*

APPROVED—The eighth day of April, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

No. 298.

# AN ACT

Authorizing the governor to incorporate the Centreville water company, of Buckingham.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That Samuel Armstrong, George M. Kohl, Isaiah B. Mathews, Doctor Charles Mathews, James Burson, Michael Vanhart, Joseph O. Ely and Charles P. Large, or any four of them, are hereby appointed com-

Commissioners.

Form of subscription.

missioners, to do and perform all matters and things hereinafter mentioned; that is to say, they shall, on or before the first day of June next, procure a book and enter therein as follows: "We, the subscribers, promise to pay to the president and managers of the Centreville water company of Buckingham, the sum of ten dollars for every share of stock set opposite to our respective names, in such manner and proportions, and at such time or times as shall be determined by the said company, in pursuance of an act of the general assembly, entitled 'An Act authorizing the governor to incorporate the Centreville water company of Buckingham.' Witness our hands, the \_\_\_\_\_ day of \_\_\_\_\_, in the year of our Lord one thousand eight hundred and forty-

Open books.

\_\_\_\_\_;" and shall thereupon give notice in one newspaper, in the county of Bucks, for the space of three weeks, when and where said book shall be opened for the subscriptions of stock; at which time and place one or more of the said commissioners shall attend, and shall permit all persons of lawful age, either in their own names or in the names of other persons, when they shall appear to be duly authorized, to subscribe for any number of shares in the said stock; and the said book shall be kept open for such time as the said commissioners in said notice shall direct, or until two hundred shares shall have been subscribed; and the said commissioners, or officers of the company, after the same shall have been organized, may at any time afterwards open the book for the subscription of shares, till the whole number of shares, or amount of two thousand dollars, shall be subscribed.

Governor to issue letters patent.

SECTION 2. That when fifty shares of the said stock shall have been subscribed, the commissioners shall certify, under their hands and seals, the names of the subscribers, and the number of shares subscribed by each, to the governor of this commonwealth; and thereupon it shall be lawful for the governor, under his hand and the seal of the state, to create and erect the subscribers, and also those who shall afterwards subscribe, and their assigns, into one body politic and corporate, in deed and in law, by the name, style and title of the Centreville water company of Buckingham; by which name the said subscribers shall have perpetual succession, and all the privileges and franchises incident to a corporation; and shall be capable of taking and holding the capital stock, and the increase and profits thereof, and of enlarging the same by new subscriptions, if it shall be found necessary to fulfil the intent of this act, and of purchasing, taking and holding to them, their successors and assigns, and of selling and transferring in fee simple, or for any less estate, such lands, tenements, hereditaments and estates, real or personal, as shall be necessary in the prosecution of their works; and of suing and being sued, and of doing any matter and thing which a corporation or body politic may lawfully do.

Style.

Privileges.

Organization.

SECTION 3. That any three or more of the said commissioners shall, as soon as conveniently may be after the letters patent are obtained, give at least ten days' notice in one or more newspapers published in the county of Bucks, of the time and place of holding an election for officers of the company; at which time the subscribers shall meet and choose, by ballot, five managers, who shall be stockholders, to conduct the affairs of the company until the first Monday of March then next ensuing; and in all elections, each stockholder shall be entitled to one vote for every share of stock bona fide held by him not exceeding five, but no stockholder shall be entitled to more than five votes at any election;

Elect managers.

Votes.

Appointment of officers.

and the said managers shall appoint one of their number president of their board, who shall sign all contracts and certificates of stock; the president and managers shall have power to appoint a treasurer, and

other officers and agents as may be necessary; and the elections of officers shall be held yearly, on the first Monday of March, at such place as may be appointed by the managers, of which at least ten days' notice shall be given, by at least five handbills affixed in the most public places in the township of Buckingham, at least two of which shall be put up in the said village of Centreville; and when vacancies happen, the managers shall supply them from among the stockholders until the next annual election: *Provided*, That no stockholder not resident within the township of Buckingham, shall be capable of serving as manager or treasurer of the said company: *And provided*, That no misnomer or failure of election of officers on the day appointed, shall discontinue or dissolve the said corporation, but the managers and officers shall continue in office until a new election, which shall be made at such time and place, and after such notice as the board of managers may prescribe. Proviso.

SECTION 4. That the president and managers, or any three of them, shall have power to adopt such by-laws, rules and regulations as may be deemed expedient for the well governing of the affairs of the company; and shall also have power to call special meetings of the stockholders, whenever any circumstances occur which may render it necessary to consult them: *Provided*, That such by-laws, rules and regulations shall in no wise contravene the constitution and laws of this commonwealth. Powers of board.

SECTION 5. That the president and managers shall procure a common seal, and the certificates of stock, and other official acts, shall be authenticated by affixing the same; and the president and managers shall procure certificates for all the shares of the stock of the said company, and shall deliver one such certificate, signed by the president, counter-signed by the treasurer and sealed as aforesaid, unto each person for every share held by him or her, as soon as each shall be paid; and any such certificate shall be transferable in person, or by attorney duly authorized, in the presence of one or two credible witnesses; and the assignee holding any certificate, having first caused the assignment to be entered in a book of the company to be kept for that purpose, shall be a member of the corporation, and possess and enjoy all the rights, privileges, benefits and emoluments to which he would have been entitled if he had been an original subscriber. Seal.  
Certificates of stock.

SECTION 6. That the president and managers shall meet at such times and places as shall be directed by their by-laws; and when met, three members shall be a quorum, and in the absence of the president, a chairman may be chosen of the number met; and all their transactions, as well as every matter and thing relating to the affairs of the corporation, shall be entered in a book or books to be kept for such purposes; and a quorum being formed, they shall have full power to make and perform all contracts which they may deem necessary to carry on and complete their intended works, as well as to uphold, alter and repair the same; and also to fix the times and manner, and in what proportion the stockholders shall pay the moneys due on their respective shares, and to draw on the treasurer for all moneys that may be required to carry this act into full effect, or that may be required by their by-laws, rules and regulations; and generally to do all such other acts as by this act, or their by-laws, rules and regulations, they shall be authorized to do. Transferable.  
Duties of board.

SECTION 7. That it shall be the duty of the president and managers, as soon as may be after the company shall be organized, to proceed to bring, introduce and convey water into the village of Centreville aforesaid, from such stream or springs as may be fixed upon, or purchased Duty and power to convey water into the village.

by the president and managers for that purpose, by means of pipes or otherwise; and for these purposes, they may enter into such lands and enclosures as may be necessary, and to put up works, and to dig, ditch and lay pipes in and through the same, the company doing as little damage as possible to private property, and paying for whatever injury shall be done by them; when the parties cannot agree according to an assessment made by three disinterested persons, to be appointed, on application, by the court of common pleas of the county of Bucks, who shall be duly sworn or affirmed, justly and truly to make such assessment; and the said president and managers shall, at all times paying damages as aforesaid, have liberty to renew and repair the works, pipes, et cetera, wherever erected, or laid on or through private property, doing as little damage as possible; and also shall have liberty, at all times, to dig and lay pipes along the roads and highways of the said township of Buckingham, and to renew and repair the same as often as occasion may occur, shutting up and mending any breaches which they may make, as soon as possible.

Individuals to be supplied with water.

SECTION 8. That the said president and managers shall, in all cases and at all times, suffer individuals to be supplied, from their said works, with water for domestic, manufacturing or other purposes, for such reasonable compensation as shall, from time to time, be agreed on by the company, and such individuals, according to certain uniform rates which the president and managers shall hereafter adopt, having regard to the probable quantity of water which applicants are likely to consume.

Capital stock to be paid in instalments.

SECTION 9. That the president and managers shall call in the capital stock by instalments, as the same may be required; and if any stockholder shall neglect to pay the same, after thirty days' notice, published in a paper in said county of Bucks, payment may be enforced as in other cases; and whenever the debts of the company shall be paid, and the income shall exceed the expenses of the company, the president shall declare a dividend on the stock paid in yearly, on the first Monday of May, and shall publish the said dividend, and the place where the same will be paid, in the same manner as is directed for notices for the elections for officers of said company, and shall cause the same to be paid accordingly.

Commencement and completion of work.

SECTION 10. That if the said company shall not proceed to carry on the said work within three years after the passing of this act, or shall not, within five years afterwards, complete the same, so far as to carry the water into said village, in either of these cases, all and singular the rights, liberties and franchises hereby granted to the said company, shall revert to this commonwealth.

Reservation.

SECTION 11. The legislature reserves the right to alter or repeal the privileges hereby granted, whenever, in their opinion, the same shall be necessary: *Provided however*, That no injustice shall be done to the corporators.

WILLIAM F. PACKER,  
*Speaker of the House of Representatives.*

WM. WILLIAMSON,  
*Speaker of the Senate.*

· APPROVED—The eighth day of April, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

No. 299.

## AN ACT

Relative to the destruction of fish in the counties of Cumberland, Franklin, Westmoreland and Clarion; to vacate a portion of Nixon street, in Spring Garden; authorizing the Mount Carbon and Port Carbon railroad company to increase their capital stock one thousand shares; and authorizing the canal commissioners to examine the claim of John C. O'Neal.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That from and after the passage of this act, it shall not be lawful for any person or persons to catch or take any fish from Middle Spring, in the counties of Cumberland and Franklin, with seines or nets of any description, at any time between the fifteenth day of March and the first day of October, in each and every year.

SECTION 2. Any person or persons so offending shall, under this act, pay a fine of not less than five dollars, to be collected as debts of like amount are now by law collected, one-half to be for the use of the informer or informers, who are hereby made competent witnesses in the case, and shall prosecute for the same, and the other half to the treasurer of the township in which the said offence may be committed. Penalty.

SECTION 3. That from and after the passage of this act, it shall not be lawful for any person or persons to fish in the Conococheague creek and Falling Spring, or either of said creeks, in the county of Franklin, with seines or nets of any description; and any person or persons so offending, shall forfeit and pay the sum of five dollars for each and every such offence, one-half to be for the use of the informer or informers, who are hereby made competent witnesses in the case, and shall prosecute for the same, and the other half to the treasurer of the township in which the said offence may be committed, to be collected as debts of like amount are now by law collected: *Provided*, That nothing contained in this act shall be construed to prevent any person from fishing in any of said creeks with a hook and line. In Conococheague creek, and Falling Spring, in Franklin county.  
Penalty.  
Proviso.

SECTION 4. That from and after the passage of this act, it shall not be lawful for any person or persons to fish with nets, set-nets, seines or baskets, in Roaring run, or any of its branches, in Westmoreland county; and any person or persons so offending, being legally convicted thereof, before any justice of the peace in and for said county, shall forfeit and pay the sum of five dollars, with costs of suit, for every such offence, the one-half to be paid to the informer, and the other half to be paid to the treasurer of the common school district wherein the offence is committed, to be applied to the common schools in said district. In Roaring run and branches, in Westmoreland county.  
Penalty.  
Part of Nixon street in Spring Garden, Philadelphia county, vacated.

SECTION 5. That so much of Nixon street as lies between Parish street and College avenue, in the district of Spring Garden, as is laid down in the plan of said district, be and the same is hereby vacated. Mount Carbon and Port Carbon railroad company, authorized to increase their capital stock.

SECTION 6. That it shall and may be lawful for the Mount Carbon and Port Carbon railroad company to increase their capital stock from time to time, as they may deem expedient: *Provided*, That not more

than one thousand shares in the whole of additional stock shall be created under the provisions of this act.

Canal commis-  
sioners to exam-  
ine claim of John  
C. O'Neal.

SECTION 7. That the canal commissioners be and they are hereby authorized and required to inquire into the claim of John C. O'Neal, for damages sustained by him in one thousand eight hundred and forty-five and one thousand eight hundred and forty-six, by the destruction of his cars on the Allegheny Portage railroad, and loss of coal, occasioned by the carelessness or unskillfulness of the agents of the commonwealth, and report the facts to the legislature.

WILLIAM F. PACKER,  
*Speaker of the House of Representatives.*

WM. WILLIAMSON,  
*Speaker of the Senate.*

APPROVED—The eighth day of April, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

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No. 300.

## A N A C T

To incorporate the Homœopathic medical college of Pennsylvania, in Philadelphia.

Incorporators.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That John B. Myers, Anson V. Parsons, Edwin Lewis, Daniel Deal, Edward M. Davis, Charles Neidhard, James M. Broom, Henry J. Boller, Joseph N. Withers, William H. Moore, Henry P. Lloyd, William Rhoads, Alfred B. Justice, Thomas Mott, Edwin Greble, William C. Milligan, Thomas K. Peterson, Walter Williamson, John W. Patten, Samuel Freedly, James Kitchen, Caleb B. Matthews, Walter Ward, William P. Esvey, Edward M. Smith, Samuel R. Dubs, John G. Pehrson, Coburn Whitehead, Stilwell S. Bishop, Joseph Berers, Joseph B. Myers, William C. M'Intosh, Robert V. Massey, Edmund Deacon, William H. Love, Charles Keen, John C. DaCosta, John M. Kennedy, Isaac S. Waterman, Joseph Jeanes, John Riehle, Joseph Lea, Charles Brown, George Peterson, William J. Wainwright, M'Pherson Saunders, Jacob James, Jacob Snider, junior, Thomas S. Cavender, William Geisse, Joseph L. Hallowell, Alfred A. Carter, Isaac R. Davis, Constantine Hering, Richard Gardiner, William A. Gardiner, William S. Helmuth, Francis Sims, Richard M. Taylor, Benjamin R. Miller, Frederick A. Server, George Piper, Timothy Ives, and their associates and successors, be and they are hereby made and created a body politic and corporate in law and in fact, by the name and style of the "Homœopathic medical college of Pennsylvania, Philadelphia," and by the same name shall have perpetual succession, and may sue and be sued, have a common seal,

Style.

Privileges.



purchase and hold and convey all lands and tenements, moneys, goods, chattels and effects, make all by-laws necessary or proper for the uses of a medical college, and immediately connected therewith, not contrary to the laws and constitution of this commonwealth, and do all and every other matter and thing for the purposes of this act, which any corporation or body politic may or can do: *Provided*, That said corporation shall hold no more real estate than the buildings and fixtures necessary for a course of medical instruction. Proviso.

SECTION 2. Said corporation shall have power to elect such officers as may be necessary for the administration thereof, and to enact by-laws for the government, admission and expulsion of members. Powers.

SECTION 3. Said college shall have power to grant the degree of doctor of homœopathic medicine, to any such person as shall have attended two courses of medical lectures, and completed a course of study, and possess the qualifications now usually required of candidates for the degree of doctor of medicine, in other medical colleges in this state, and also a knowledge of homœopathy. To grant degrees.

SECTION 4. The legislature may at any time alter, amend or repeal the privileges hereby granted. Reservation.

WILLIAM F. PACKER,  
*Speaker of the House of Representatives.*

WM. WILLIAMSON,  
*Speaker of the Senate.*

APPROVED—The eighth day of April, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

No. 301.

## AN ACT

Providing for the more effectual preservation of the Cumberland road.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That it shall be the duty of the judges of the court of quarter sessions of Washington county, to appoint one person, and the judges of the court of quarter sessions of Fayette county, to appoint one person, and the judges of the court of quarter sessions of Somerset county, to appoint one person every two years, who shall be competent to perform the duties of trustees of the Cumberland road, and who shall be appointed for the term of two years each, if they shall severally discharge the duties hereinafter prescribed, in a proper manner during that period; and in case of the death, removal or resignation of one or more of the said trustees, such vacancy or vacancies shall be filled by the judges of the court of the proper county, as aforesaid. The said trustees shall be severally sworn or affirmed, in open court, before entering upon the sworn. Courts of Washington, Fayette and Somerset to appoint trustees for Cumberland road.  
To supply vacancies.  
Trustees to be sworn.

Compensation.  
Proviso.

duties of their appointment, to discharge the duty of trustee of the Cumberland road with honesty and impartiality, and shall receive, as compensation for their services, out of the tolls upon the road, the sum of two dollars each, for every day necessarily employed in the discharge of the duties of their trust: *Provided*, That the aggregate amount received by each trustee in any one year, shall not exceed the sum of sixty dollars.

Powers and duties of trustees.

SECTION 2. The trustees appointed and qualified in the manner aforesaid, or a majority of them, shall have the power of appointing one or more suitable person or persons as superintendent or superintendents of the Cumberland road, who shall be entitled to receive a compensation, which shall not, in any one year, exceed the sum of eight hundred dollars for the services of such superintendent, or for the aggregate services of such superintendents; in case the trustees shall deem that the interests of the road require the appointment of more than one, and in case the said trustees may so deem it necessary, they shall have power to divide the road into as many divisions as they shall appoint superintendents, and to allot such divisions to the several superintendents, and to adjust the compensation thereof, in such manner as they shall think most proper, for the effectual preservation and repair of the Cumberland road, such compensation not to exceed the sum of eight hundred dollars, for the aggregate annual services, as aforesaid, and to be paid out of the tolls upon the said road. And it shall be the duty of the said trustees, at least once in every three months, and oftener if necessary, to examine, personally, the state and condition of the road, and in all things relating to, or connected with the preservation and repair of the same; to see that the superintendent or superintendents has discharged his or their duty with honesty, industry and fidelity, with power to remove such person or persons, in case he or they neglected or refuse to discharge the duties of his or their appointment, in the proper time and manner.

Superintendent to give security.

SECTION 3. Every superintendent, whether appointed for the whole or any division of the said road, before entering upon the duties of his appointment, shall give bond to the commonwealth of Pennsylvania, with sufficient surety, to be approved by the judges of the court of common pleas of Washington, Somerset or Fayette counties, in a sum equal to the amount of the tolls annually received upon so much of the road as may be allotted to, or be under the control of such superintendent, to be estimated by said judges and trustees, conditioned for the faithful discharge of the duties of superintendent of the Cumberland road, and that he will honestly account for all the tolls which may be collected upon said road, or such division as may be under his control, during the term for which he shall be superintendent; which bond shall be filed in the office of the prothonotary of the proper county, and the remedy upon such bond shall be the same as upon official bonds.

Powers of superintendent.

SECTION 4. Every superintendent who may be appointed, and give bond as aforesaid, shall have all the powers allowed to commissioners upon the Cumberland road, by existing laws over the said road, or such division as shall be under his control, as to the appointment and removal of toll-gatherers, repairs and contracts for repairs upon the road or his division, the receipt and disbursement of the moneys arising from the tolls upon the same, and generally to do all things authorized to be done by the commissioners aforesaid, under previous acts of assembly; and shall be liable to all the obligations and penalties imposed upon the said commissioners of the Cumberland road.

Superintendent to make report.

SECTION 5. Every superintendent, whether appointed for the whole or any division of the said road, shall annually, and sooner if his

appointment shall not continue one year, make report, upon oath or affirmation, of the moneys received and disbursed upon so much of the road as shall be under his control during the current year, or for such time, if less than that period, as is required by the third section of the act of fourth of April, one thousand eight hundred and thirty-one, entitled "An Act for the preservation and repair of the Cumberland road;" which report shall be first examined carefully by the said trustees, and if they are satisfied that such superintendent has faithfully discharged his duty, and honestly accounted for all the moneys received from tolls upon the road or his division during the current year, or such time as he has been superintendent, then they shall certify the same under their hands and seals, and the account shall be examined and approved by the court, and published according to the directions contained in the third section of the act aforesaid. Account to be confirmed by court.

SECTION 6. Any act or acts of assembly which provides for the appointment of one or more commissioners upon the Cumberland road, in any other manner, and all laws inconsistent herewith, be and the same are hereby repealed. Repeal.

WILLIAM F. PACKER,  
*Speaker of the House of Representatives.*

WM. WILLIAMSON,  
*Speaker of the Senate.*

APPROVED—The eighth day of April, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

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No. 302.

## AN ACT

To incorporate the Sisters of Mercy of the county of Allegheny.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That Frances Therese Warde, Hester Strange, Frances Brown, Mary Fennessy, Elizabeth Goold, Mary Gillespie, Mary C. M'Creedy, Marianne Fisher, Elizabeth Blake, Elizabeth M'Caffery, Mary M'Caffery, Elizabeth Wynne, Ellen Cullen, and their associates, members of the society called "The Sisters of Mercy," being a society of religious women, living in community, and devoted to charitable works, be and they are hereby constituted a body politic and corporate, by the name, style and title of "The Sisters of Mercy," of the county of Allegheny, to have perpetual succession, to use a common seal, and alter and renew the same at pleasure, to take, hold and enjoy lands, tenements and hereditaments, and to make such by-laws for their government, and for the admission of more members into the corporation, as they shall deem necessary and proper: *Provided,* That said by-laws shall not be repug-

Corporators.  
Style.  
Privileges.  
Proviso.

- Proviso.      nant to nor inconsistent with the constitution and laws of the United States or of this state: *And provided also*, That the clear yearly income of the real estate to be held by said corporation, exclusive of the houses occupied by the society, and grounds thereto attached, shall not exceed the sum of three thousand dollars: *And provided*, That no person shall be or remain a corporator except regular members of said religious society, living in community, and governed by the by-laws thereof.
- Proviso.      SECTION 2. The essential objects of the said corporation shall be the relief and support of sick, destitute and dependent persons, the maintenance of orphans, and the care and education of youth; and the houses and grounds of said society, occupied for these purposes, and the income used in their support, shall be exempted from taxation.
- Objects.      SECTION 3. No misnomer of the said corporation, and their successors, shall defeat or annul any gift, grant, devise or bequest to or for the said corporation: *Provided*, The intent of the party or parties shall sufficiently appear upon the face of the gift, will, grant or other writing, whereby any estate or interest was intended to pass to or for the said corporation.
- Misnomer not to affect gift, &c.      SECTION 4. Any person or persons now holding or hereafter to hold any goods, chattels or property, real or personal estate or interest whatever, in trust or for the use of the said society, or any of the members, are hereby authorized to convey, transfer, grant and make over the same to the corporation hereby created, freed and discharged from all such trusts: *Provided*, That the said corporation shall appropriate the same to the same uses as the donors or grantors, by whom said property real or personal, was originally given or granted, shall have given or granted the same: *Provided further*, That no private rights or vested interests shall be affected, or in any way prejudiced by such conveyance to the corporation.
- Proviso.      Trust property to be transferred.
- Proviso.      Trust property to be transferred.
- Proviso.      Trust property to be transferred.

WILLIAM F. PACKER,  
*Speaker of the House of Representatives.*

WM. WILLIAMSON,  
*Speaker of the Senate.*

APPROVED—The eighth day of April, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

## No. 303.

## AN ACT

Relative to the Berks county prison, and to discharged convicts.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the new prison erected by the commissioners of the county of Berks, shall, when completed, be known and called by the name of "The Berks county prison;" and shall be managed by a board of inspectors, consisting of seven discreet and reputable citizens, resident taxables in the said county, who shall serve without any pecuniary compensation; four of whom shall be appointed on the first Monday of August, one thousand eight hundred and forty-eight, by the court of quarter sessions of said county, the said court to designate the period of time during which each is to serve: *Provided,* That after the first period so designated as aforesaid, shall have expired, the term of service of each shall continue for three years, and three to be appointed by the commissioners at the same time; the said commissioners to appoint in the same manner as has been before indicated, whose terms of service, after the first term, shall also continue for three years; in case of vacancy by death, resignation or otherwise, the same shall be supplied as soon as conveniently may be by the body which appointed the individual causing such vacancy; of which said vacancy, when it occurs, notice shall forthwith be given by the president of the board of inspectors, to the body having the power to supply; and the inspectors first chosen under this act, shall take charge of said prison as is herein provided for.

Name.

Managers to be appointed.

Proviso.

Vacancies to be supplied.

SECTION 2. The following rules and regulations for the government of said prison, are hereby enacted and established:

Rules.

## ARTICLE I.

## INSPECTORS AND THEIR DUTIES.

They shall at their first meeting, and annually thereafter, appoint of their number a president and secretary; they shall keep regular minutes of their proceedings, hold stated meetings once a month, and adjourned and special meetings whenever necessary; they shall annually nominate, and with the approbation of the court of quarter sessions, appoint a keeper, matron and physician for the prison, and shall fix their salaries or compensation, as well as that of all other persons employed in and about the prison; a majority of said inspectors shall constitute a board, and may do any act or acts required of said inspectors, and shall, with the approbation of the court of quarter sessions of said county, make such rules for the internal regulation and government of prison, as shall not be inconsistent with the constitution and laws of this commonwealth, or the principles of separate confinement as set forth and declared by this act; they shall direct the manner in which all the bedding, clothing, provisions and all articles and supplies necessary for the support and employment of the persons confined in said prison, shall be purchased, and also the sale of all articles manufactured therein; and

Annually appoint officers.

Duties.

shall direct the manner in which the convicts, confined in said prison, shall be employed; they shall determine the quantity and the kind of food, that shall be furnished daily to each person confined in said prison and the debtors' apartment; they shall determine the bedding of all convicts, prisoners and debtors, the form and color of the uniform of male convicts, and the kind of dress to be worn by female convicts and prisoners, in summer and winter; they shall, at least by one of their number, visit the prison and apartment for debtors at least once a week, and oftener if necessary, to see that the duties of the several officers and attendants are correctly and strictly performed, and to prevent all oppression, peculation or other abuse or mismanagement of said prison; they shall, on their visits to the cells and to the debtor apartment, speak to each person confined therein, and shall not be attended by any of the officers of the prison, unless thereto especially required by them; they shall, if required, be furnished by the keeper with a calendar of the persons confined in said prison, and shall, by actual inspection, see whether all the persons named in said calendar are confined in the respective cells and apartment assigned to them, and the convicts employed as directed; they shall have power to examine any person, upon oath or affirmation, relative to any abuse or oppression in said prison, or other matter within the purview of their duties; they shall at any time, after the annual period of appointing, have power, with the approbation of two of the judges of the court of quarter sessions, the president being one, to dismiss the keeper, matron or physician, and to supply vacancies thus or otherwise occurring; they shall, on or before the Monday of the first term of the court of quarter sessions in every year, make a report, in writing, to the said court of the state of said prison; the report shall contain the number of prisoners in confinement, their age, sex, alledged place of nativity, time of commitment, for what offence, noticing those who escaped, died, were pardoned or discharged; also such observations on the efficiency of the system of separate confinement, as may be the result of their experience, and give such information as they may deem expedient for making said prison effectual in the punishment and reformation of offenders; whereupon the said court may take such order on said report as they shall think proper, and cause said report to be filed in office of the clerk of the court aforesaid.

## ARTICLE II.

### KEEPER AND HIS DUTIES.

The keeper shall reside in the prison or institution, and not absent himself, for a night, without the consent of two of the inspectors in writing; he shall visit every cell and apartment, and see and inspect the condition of every person confined under his care, at least twice every day, and oftener if practicable; and when visiting the departments of the females, shall be attended by the matron; he shall keep a journal, into which shall be regularly entered the reception, discharge, death, pardon or escape of any prisoner, the complaints that are made, and the punishments inflicted for the breach of prison discipline, as they occur, the visits of inspectors and physicians, and all other occurrences of note that concern the state of the prison; he shall, with the advice of the inspectors, appoint the under keepers, if, in the opinion of the inspectors, any be necessary, and dismiss them whenever he thinks proper, or the inspectors direct him to do so; he shall report all infractions of the rules to the inspectors, and with the approbation of one of them, punish the offender in such manner as shall be directed by the rules, to

be enacted by the inspectors as hereinbefore provided for; he shall take charge, keep and preserve all money, effects and clothes found on persons brought into the prison, to be confined as convicts or prisoners, and shall deliver the same to them, or their order, when discharged; he shall see that all meals are regularly delivered to the prisoners, according to the prison allowance, and superintend the work of such as are employed; he shall give immediate notice to the physician, whenever any person confined shall complain of such illness as to require medical aid; he shall obey all legal orders given by the inspectors, and all rules established for the government of said prison, as hereinbefore provided for; he shall not be present when the inspectors make their stated visits to the prisoners, unless thereto required by the inspectors.

### ARTICLE III.

#### MATRON AND HER DUTIES.

The matron shall reside in the prison or institution, and not absent herself, for a night, without the consent of the keeper and two of the inspectors in writing; she shall visit every cell and apartment occupied by the females, and see and inspect the condition of every female prisoner at least twice every day; she shall, at all times, keep the keeper faithfully informed of every fact of importance relative to the persons, cells, and all other matters under her care; she shall direct the labor and occupation of the female prisoners, under the general direction of the keeper, and give such instruction as may tend to their reformation, and render them useful members of society.

### ARTICLE IV.

#### UNDER-KEEPERS, AND THEIR DUTIES.

The under-keepers shall see and inspect every person committed to their care, at least three times in every day, and oftener if directed; they shall see that all meals are regularly delivered to the prisoners, according to the prison allowance, and superintend, under the general direction of the keeper, the work of such as are employed; they shall give immediate notice to the keeper, or in his absence to the physician, whenever any person confined, shall complain of such illness as to require medical aid; the under-keepers shall have each a certain number of persons confined, assigned to their ward, and shall daily report to the keeper, or any of the inspectors, visit the persons confined under his particular care, unless thereto, by them, they obey all orders given by the keeper, and all rules established for the government of the prison; all orders to the male under-keepers must be given through or by the keeper, and to the female keeper, through or by the keeper or matron; they shall not absent themselves from the prison during the hours of duty, without permission in writing by the keeper.

### ARTICLE V.

#### PHYSICIAN AND HIS DUTIES.

The physician shall visit every prisoner once in every fortnight, and oftener if the state of his or her health shall require it, and report in writing, once quarter yearly, to the inspectors; he shall attend immediately, on notice from the keeper that any prisoner is sick, prescribe

and administer to their need ; he shall, on the reception of any person into the prison as a convict, if present, or if not, at his next visit, examine the state of his or her health ; he shall direct the diet of those under his care, as well as all such other matters as, in his judgment, will best promote the health, convenience and comfort of the sick.

## ARTICLE VI.

### TREATMENT OF CONVICTS.

On the reception of a convict, he or she shall be examined by the keeper, in the presence of any of the inspectors who may be present, and of the under-keepers who can conveniently attend, of his or her name, parentage, alledged place of nativity, profession, trade or occupation, complexion, color of hair, eyes, height and length of his or her feet, accurately measured ; all of which shall be entered of record, in a book to be kept for that purpose, together with such other natural or accidental marks, or peculiarity of features or appearance, as may serve to identify the person ; and if the convict can write, shall write his or her signature to the description of his or her person ; he or she shall then be examined by the physician, if present, of his or her health, then be stripped of all money, effects and clothes on their persons, all of which shall be entered of record, in a book provided for that purpose, and shall be kept, preserved and delivered as herein provided for ; he or she shall then be bathed, cleaned and clothed in the uniform of the prison, and conducted to the cell assigned him or her ; the females, if advisable, the second story of the prison, numerically assigned, by which he or she shall hereafter be known, during his or her imprisonment ; no convict shall be allowed the use of tobacco or ardent spirits in any form, unless under the special direction of the attending physician, or be permitted to receive any thing but the prison allowance ; and any person that shall supply, or attempt to supply a convict with any article by this clause forbidden, shall, on conviction, be fined not less than twenty, nor more than one hundred dollars, and if an officer or keeper, be dismissed ; no convict shall be discharged whilst laboring under a dangerous disease, although entitled thereto, unless by their own desire ; the uniform of the male convicts shall be a jacket and trowsers of cloth, of warm material, for the winter, and lighter materials for the summer, the form and color shall be determined ; and the kind of dress to be worn by the female convicts, in summer and winter, fixed on as is hereinbefore provided for ; two changes of linen shall be furnished to each convict every week, in summer, and one in winter ; when a convict shall be discharged by the expiration of his or her time of imprisonment, or by pardon, the cloths belonging to the prison shall be taken off, and those belonging to the convict restored, together with any money or effects taken from him or her at the time of reception into prison, as hereinbefore provided for ; if he or she shall not possess any money or suitable clothing, the inspectors shall provide them with what, in their judgment, may be necessary, not exceeding, in money and clothing, two dollars in amount.

## ARTICLE VII.

### TREATMENT OF PRISONERS, DEBTORS EXCEPTED.

On the reception of any person for imprisonment in said prison, committed to await his or her trial, he or she shall be examined by the



keeper, in the presence of the officer or other person delivering said prisoner, any of the inspectors who may be present, and of the under-keepers who can conveniently attend, and deprived of all money and effects, clothing excepted, on their person—all of which shall be entered of record in a book provided for that purpose—which money and effects shall be kept, preserved and delivered as hereinbefore provided for—shall be signed by the keeper, and attested by the aforesaid persons who may be present at the aforesaid examination and deprivation of him or her, as aforesaid; he or she shall then, if necessary, be bathed and cleaned, and conducted to the cell assigned him or her—the females, if advisable and practicable, in the second story of the prison, numerically designated, by which he or she shall thereafter be known, during his or her imprisonment; they shall be provided, if in the opinion of the inspectors, it is necessary for their comfort, with suitable clothing to be worn while in prison; they shall be subject to such rules as the inspectors may adopt, in the manner hereinbefore provided, for the preservation of cleanliness, decorum and order in the cells, among the prisoners; and may be punished, by closer confinement and deprivation of food, until obedience is submitted to; no prisoner shall be discharged whilst laboring under a dangerous illness, unless by his own desire; two changes of linen shall be furnished each prisoner every week in summer, and one in winter; when a prisoner shall be discharged from imprisonment, the money and effects of which he or she was deprived when received into prison, shall be restored as hereinbefore provided for: *Provided however*, That such persons shall not be compelled to labor, unless at their own desire; and should any desire it, he or she shall, as soon as practicable, be put to such labor as shall be in practice in said prison; and in case of acquittal on trial, he or she shall be paid for their labor, by the inspectors, out of the funds of the prison, such sum as the inspectors of said prison shall judge he or she is in equity entitled to: *Provided also*, That any such person shall, at his or her expense, have the privilege of books to read, and materials to write, subject, nevertheless, to such restrictions as the inspectors may enact, by rules to be made as hereinbefore provided for.

## ARTICLE VIII.

### VISITORS.

The official visitors of the prison shall be the governor, the members of the legislature, secretary of the commonwealth, the judges of the supreme court, the president judges of all the courts in the state, the attorney general, the president and associate judges, deputies attorney general, grand juries, commissioners and sheriff of the county of Berks; no person who is not an official visitor, or who has not written permission, according to such rules as the inspectors may adopt as aforesaid, shall be allowed to visit the prison, except attorneys at law, who shall be permitted to visit their clients confined for trial; none but the official visitors shall have any communication with the convicts; nor shall any visitor whatever be permitted to deliver to, or receive from any convict, or any other person confined, any letter or message whatever, or to supply them with any articles of any kind, excepting such letters or messages to or from persons confined for trial, as shall first be submitted or communicated to the keeper or one of the inspectors, and by either approved of, under the penalty of one hundred dollars; any visitor who shall discover any abuse in practice of law, or oppression, shall immediately make the same known to a board of the inspectors, or

to the judges of the court of quarter sessions, if any of the inspectors are implicated.

On the completion of prison, duties of inspectors.

SECTION 3. That as soon as the Berks county prison shall be completed, and prepared for the reception of prisoners, the inspectors thereof, appointed pursuant to this act, shall take charge of said prison, and thereupon issue their order to the sheriff of the said county of Berks, who is hereby authorized and directed to execute the same, commanding the sheriff forthwith to remove the said prison, and deliver to the keeper thereof all persons, debtors excepted, who shall then be confined in the old jail; debtors who shall then be in confinement as aforesaid, shall, on the authority, and in the manner aforesaid, be removed to the debtor apartment as soon as the same shall be completed, and prepared for their reception; they shall each be confined in the respective apartment assigned for them, and therein undergo their respective sentences or terms of imprisonment, as nearly as may be practicable thereto, until the expiration of the term of such sentence or imprisonment, and until they be otherwise legally discharged.

Convicts to be sentenced to undergo punishment in prison.

SECTION 4. Every person who shall, after the passage of this act, be convicted in any court of criminal jurisdiction in the county of Berks, of any crime or misdemeanor, excepting murder in the second degree or manslaughter, the punishment of which now is, or hereafter shall be imprisonment in the state penitentiary, shall be sentenced, by the proper court, to undergo said punishment either in the state penitentiary, or in the Berks county prison, at the discretion of the court.

In what cases an inquest may be held by the coroner.

SECTION 5. From and after the passage of this act, no inquest shall be held on the body of any person who may die during his or her confinement in the Berks county prison, unless the coroner of the said county be thereto required by the inspectors of the said prison, except in cases of murder, suicide, manslaughter, or death caused by casualties; and it shall be the duty of the attending physician of said prison, to certify to the inspectors thereof the name and age of every person who may die in said prison, together with the disease or cause of death of each person, so far as he can ascertain the same; which certificate the inspectors of said prison shall cause to be entered of record in a book to be by them kept for that purpose, and already several times referred to in this act, and the original shall by them be delivered to the clerk of the court of quarter sessions, to be by him filed in his office, for the inspection of all interested; the inspectors of said prison shall have power, and they are hereby directed and required, unless where the friends of the deceased will take charge of the body, to have such deceased person interred in a piece of ground to be by them set apart as a burial ground for the bodies of persons as aforesaid, not exceeding one-eighth of an acre of the ground belonging to the county, which piece of ground shall also hereafter be the place of burial of all such as may hereafter suffer death in the county of Berks by capital punishment.

Inspectors to discharge convicts at the end of the term of imprisonment.

SECTION 6. The board of inspectors of the Berks county prison shall be and they are hereby authorized to discharge from prison without the delay and expense of any proceeding under the insolvent laws of this commonwealth, every convict who shall have served out the term of his imprisonment at labor, to which such convict now has been or hereafter may be sentenced, notwithstanding such convict shall not have paid the costs of prosecution, fine, to the commonwealth, or the property stolen, or paid the value thereof, if in the opinion of said board of inspectors, such convict is unable to pay or restore the same: *Provided always*, That such discharge shall in no way interfere with the rights of this commonwealth, the public officers, or of any person inter-

Proviso.

ested in the payment or restitution thereof, to proceed by action to recover the amount from the property of such convict; but no such discharge shall be allowed or granted by said board of inspectors, until such convict shall have exhibited to them, on oath or affirmation, duplicate schedules of all his or her property, real, personal or mixed, to which he or she is in any manner entitled, as far as he or she can ascertain the same, one of which schedules or lists of property shall be by said inspectors filed and preserved with the papers of the prison, and the other forthwith delivered to the clerk of the court of oyer and terminer or quarter sessions, as the case may be, of the county of Berks, who shall file the same in his office, with the other papers relating to the case.

SECTION 7. No inspector, keeper, matron or other person employed Sale of articles to or appointed to execute any duty, trust or employment in or about the prisoners prohib- Berks county prison shall, without permission from the board of inspec- ited. tors of said prison, sell any article of any kind to a prisoner, or to or for the use of the prison aforesaid, or be concerned in any contract connected with such sale, or derive any emolument from such sale or contract; nor shall either or any of them extend to any person confined in said prison, any favor, lenity or mitigation of punishment, or inflict any punishment not authorized by this act, or by any subsequent act that may be passed, or the rules that are to be made by the inspectors in accordance therewith; and any violation of this law, or any subsequent act relative to said prison, shall be considered and adjudged a misdemeanor, and on conviction for any such offence before the court of quarter sessions, the person so offending shall be punished by any fine not less than twenty nor more than five hundred dollars, and be imprisoned for any term not less than three nor more than twelve months, and shall also be immediately removed from such office or appointment.

SECTION 8. The penalties imposed by this act, the recovery of which Penalties, how is not herein specially provided for, shall be recovered in the name of recoverable. the commonwealth of Pennsylvania, for the use of the county of Berks, by an action of debt, in any court of record having jurisdiction of sums of that amount.

SECTION 9. For the funds necessary for keeping, furnishing and Inspectors to ap- maintaining said prison, in conformity with the provisions of this act, ply to county the inspectors are hereby authorized to apply to the commissioners of commissioners said county, and if it shall appear to said commissioners of said county, for the necessary or to the court of quarter sessions of the same, that the sum applied funds to support for is reasonable, and that the accounts of said inspectors are properly the prison. kept and adjusted, the commissioners of the said county of Berks shall forthwith draw an order on the treasurer of the said county, in favor of the treasurer of said prison, for the use thereof, for such sum as shall be necessary to satisfy such demands.

SECTION 10. The treasurer of the said county of Berks shall, in Additional duties addition to his other duties, receive all moneys belonging to the Berks imposed on trea- county prison, and shall disburse the same on orders drawn on him by surer of Berks the board of inspectors of said prison; he shall keep a just and true county. account of all moneys received and disbursed, which account shall be at all times open to the inspection of the inspectors, and each of them; he shall once in each year state his accounts and produce his vouchers, which, after inspection by the inspectors, shall by them be laid before the county auditors for settlement, and be acted and reported on as accounts of county officers are by law authorized to be settled, and shall be subject to like appeal, issue and judgment; which account, when so settled, the inspectors shall cause to be published, in a manner similar

to that of the annual account of the county commissioners and treasurer; the treasurer shall give bond to the commonwealth, for the use of said county of Berks, in such amount and with such security as the court of quarter sessions of said county shall determine and approve, conditioned for the faithful discharge of all duties enjoined on him by this act, for a just account of all the moneys that may come into his hands in behalf of said prison, for the delivery to his successor in office of all books, papers, documents and other things held in right of his office for said prison, and for the payment to him of any balance of money belonging to said prison, remaining in his hands; the said treasurer shall receive such compensation for his services as shall be annually fixed by the inspectors, with the approbation of the county commissioners and county auditors.

Duty of keeper.

SECTION 11. That the keeper of said prison, when qualified to act, and when he shall in the said new prison have entered on the discharge of his duties, shall and he is hereby required and directed to receive and take charge of all persons lawfully committed by any court, magistrate, alderman or justice of the peace, or other officer having power to commit to prison; and said keeper shall be responsible for the safe-keeping of all persons so committed, in the same manner and to the same extent that sheriffs and jailors are now by law held liable.

Court to determine when prison is completed, and this act takes effect.

SECTION 12. It shall be the duty of the court of quarter sessions of Berks county, to determine at what time the Berks county prison shall be fitted and prepared to receive convicts, and other prisoners; and when said court shall so determine and decree, an entry to that effect shall be made in the records of said court, from which time this law shall go into full force and effect.

Keeper to give security.

SECTION 13. The keeper shall, before entering on the duties of his appointment, give bond to the commonwealth of Pennsylvania, with such an amount and such surety as the court of quarter sessions of Berks county shall determine and approve, conditioned for the faithful discharge and observance of all duties enjoined on him by this act, or which shall be by any subsequent act that may be passed, or by rules to be made, or which may be made by said inspectors in accordance therewith, for a just and accurate account of all moneys, goods, chattels and effects of all kind and description whatever, that may come into his hands, or be placed under his care, in pursuance of said appointment on behalf of said prison, or any person confined therein, for the delivery, to his successor in office, of all books, papers and documents; also of all goods, chattels and effects which he may have and hold in right of said appointment, and for the payment of any balance of money belonging to said prison, or any person confined therein, remaining in his hands, and for the safe keeping of all prisoners and other persons committed to his charge; which bond shall stand for the use of any person or persons injured by the acts or delinquencies of said keeper, and may be proceeded on by any person aggrieved, in the same manner directed as to sheriffs' bonds; the matron, and all other persons employed in or about the prison, shall, if the inspectors require it, give bond, with security in amount as aforesaid, conditioned as near as practicable to that of the keeper, and in such other manner as the inspectors shall fix and determine.

Commissioners of Berks county authorized to sell the old jail, &c.

SECTION 14. That the said commissioners of Berks county, be and the same are hereby authorized, as soon after the removal of the prisoners then in jail, from the said old jail to the Berks county prison, as to them shall appear expedient, to sell, at public sale, what is now called the old jail property, in the city of Reading, consisting of the old jail buildings and the appurtenances, and a lot of ground, being on the

corner of North Fifth and Washington streets, in the said city of Reading, and having sixty feet on said North Fifth street, and two hundred and thirty feet on Washington street; and to sell the same in such parcels or sub-divisions, or in the whole, as will insure the highest and best prices for the same, and on such terms and conditions as they shall prescribe; and to assure and convey to the purchaser or purchasers the said property, by good and sufficient deed or deeds; the proceeds of the said property to be paid into the county treasury of the said county of Berks, for the use thereof. Make title.

SECTION 15. All acts of assembly heretofore passed on the subject of Repeal. county prisons, so far as the same are inconsistent with this act, are hereby repealed, so far as regards the prison of the county of Berks.

SECTION 16. The eighth article of the eighth section of the act of April twenty-third, one thousand eight hundred and twenty-nine, relative to the penal laws of this commonwealth, shall be and is hereby so modified, that hereafter the inspectors and warden may, if they think it expedient, furnish to a discharged convict, any sum not exceeding ten dollars, out of the annual appropriation made by the state for that purpose. Inspectors and warden may assist discharged convicts.

WILLIAM F. PACKER,  
*Speaker of the House of Representatives.*

WM. WILLIAMSON,  
*Speaker of the Senate.*

APPROVED—The eighth day of April, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

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No. 304.

## A N A C T

Relative to the Towanda academy, the Union academy, of Doylestown, the Reading academy, and to certain school districts in Indiana, Clearfield, Union and Westmoreland counties.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the trustees of the Towanda academy be and they are hereby authorized to issue certificates of stock, in sums of five dollars each, to the amount respectively heretofore subscribed and paid, and which may hereafter be subscribed and paid by individuals to, and for the use and benefit of the said academy; which certificates, signed by the president and secretary of the said board of trustees, shall be issued to the persons, or the heirs and legal representatives of persons who have so as aforesaid subscribed and paid, or who may hereafter subscribe and pay, and shall be entered in a book kept by the said secretary for that purpose; in which, also, shall be entered every transfer of such certificates, which may be duly made in the presence of, and attested by the president of said board of trustees. Trustees of Towanda academy authorized to issue certificates of stock.

Annual election  
of trustees.

**SECTION 2.** That there shall be held an election of trustees of said academy, in the place appointed by the board of trustees for the same, on Saturday preceding the second Monday in May next, and on the same day in each year thereafter, between the hours of four and five in the afternoon, which election shall be conducted by any two of the existing trustees appointed by the board for that purpose; and every stockholder shall be allowed to vote at such elections, in the ratio of one vote for each share of stock by him held, and standing in his name on the books of the corporation at the time of such election.

Trustees of  
Union academy  
of Doylestown,  
may rent part of  
the building.

**SECTION 3.** That the trustees of the Union academy, of Doylestown, in Bucks county, are hereby authorized and empowered to rent the upper or garret story of the academy building, to societies of Odd Fellows, Masons, Sons of Temperance, and other benevolent institutions.

Trustees of Read-  
ing academy,  
authorized to sell  
real estate.

**SECTION 4.** The trustees of the Reading academy are hereby authorized and empowered to sell, at public or private sale, the academy building in North Fourth street, in the city of Reading.

Cambria—  
Parts of Allegheny  
and Clearfield  
townships erected  
into a separate  
school district.

**SECTION 5.** That hereafter that part of the townships of Allegheny and Clearfield, in the county of Cambria, embraced within the following described boundaries, to wit: Commencing at a birch tree near the Clearfield creek, in Allegheny township; thence north thirty-six west fifteen hundred and ninety-six perches, to a spruce tree; thence north thirty-five east two hundred and seventy-five perches, to a post in Clearfield township; thence south forty-six and a-half east one hundred and eighty perches, to a post; thence south thirty-eight west three hundred and sixteen perches, to the place of beginning, be and hereby is constituted a separate school district.

Westmoreland—  
Salem township  
sub-school dis-  
trict, number  
twelve, erected.

**SECTION 6.** That all that part of school district number nine, in the township of Salem, in the county of Westmoreland, within the following boundaries, be and the same is hereby erected into a separate sub-school district, to be called number twelve, to wit: Beginning at the mouth of the White Thorn; thence by a line to include the property owned by Isaac M'Clearter, David M'Connell, David Brown, Robert Beaty and William Rainey; and from thence to a point on the Loyalhanna creek, so as to include the land owned and occupied by Robert Foster; and thence down said creek to the place of beginning; and the said district number twelve, so erected, shall be entitled to receive the same proportion of the state appropriation, and also the same proportion of the taxes raised in the township of Salem, for school purposes, that the other sub-districts shall be entitled to receive.

Borough of  
Wellsborough to  
give bond, &c.

**SECTION 7.** That the borough of Wellsborough, in the county of Tioga, at an election held on the first day of March, one thousand eight hundred and forty-eight, may give the bond required by the thirteenth section of the act to which this is a supplement, to any one of the associate judges in and for the county of Tioga, who is hereby authorized to take and approve of the same, and to file the same in the office of the clerk of the court of quarter sessions of the said county, for the uses or purposes provided by law.

Vacancy in the  
office of constable  
in said bor-  
ough, to be sup-  
plied.

**SECTION 8.** That if a vacancy should at any time hereafter occur in the office of constable of said borough of Wellsborough, by death, resignation or removal from said borough by said officer, it shall be lawful for the burgess and town council of said borough, or a majority of them, to fill said vacancy by appointment, until the ensuing annual borough election, and until a successor is duly elected and qualified; and in all cases of appointment under this section, the person appointed may give bond in the manner prescribed in the preceding section; and anything in any law inconsistent herewith, is hereby repealed.

SECTION 9. That from and after the first day of June next, all that Union county, area and district of country in Centre township, Union county, lying Centre township and being within the following described boundaries, to wit: Beginning sub-school district erected at a corner of George Krem's land, on Middle creek, near Jonas Bil-ger's; thence a north-western direction along a certain rivulet or run, to a corner of Francis Long's land, so as to include him; thence westward to Peter Daubert's, including him; thence southward to Middle creek, at or near Jacob Hilbish's, so as to include him; and thence east down said creek to the place of beginning, shall be and is hereby constituted a separate sub-school district, in said township, with all the rights and privileges that other sub-districts in said township now or hereafter may be entitled to under the laws of this commonwealth.

WILLIAM F. PACKER,  
*Speaker of the House of Representatives.*

WM. WILLIAMSON,  
*Speaker of the Senate.*

APPROVED—The eighth day of April, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

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No. 305.

## AN ACT

To incorporate the town of New Buffalo, in the county of Perry, into a borough.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the town of New Buffalo, in the county of Perry, and territory included within the following boundaries, to wit:—Beginning at the Susquehanna river, thence by land of Jacob Steel, esquire, north eleven hundred feet to a post; thence by land of William Jackson and others, east fourteen hundred and seventy feet to a post; thence by land of Urban and Reed, south eleven hundred feet to the Susquehanna river; thence down said river to the place of beginning, is hereby erected into a borough, which shall be called and styled the borough of New Buffalo. Boundaries.

SECTION 2. That the inhabitants of said borough entitled to vote for members of the general assembly, having resided therein one month preceding the election, shall, on the third Friday in March next, and annually thereafter, on the same day which is now or may be hereafter fixed by law for the election of constables and other township officers within this commonwealth, meet at the school house in said borough, and then and there, between the hours of eight o'clock in the forenoon and seven o'clock in the afternoon, elect by ballot, one of the citizens who shall be styled the burgess of said borough, and four other citizens to be styled the town council, one assessor, and two assistant assessors of the county rates and levies, the necessary school directors, as pro- Style.

Qualification of electors.

Annual elections.

Elect officers.



vided by law for a school district, and three auditors of the public accounts of the said borough ; which election shall, in all respects, be conducted in the same manner as is provided for the election of township officers within this commonwealth, except, that the certificates of the election of burgess, town council and auditors, shall be filed among the records of the corporation, and duplicate certificates of the election of said officers shall also be signed by the judge and inspectors hereinafter named, and transmitted to the burgess elect : *And provided*, 'That in case of the death, resignation, removal or refusal to accept of any of said officers, the vacancy may be supplied by a new election in all cases where, by the existing laws, there is not provision made for supplying vacancies by appointment : *And provided further*, 'That for the first election to be held under this act, it shall be the duty of William Jackson, Abraham Varns, Joseph B. Knouff, or any of them, to give notice and perform all the duties enjoined upon constables by the existing laws relative to township elections ; but previous to the opening of such election, such of the citizens entitled to vote as aforesaid, as may be present at the time and place of opening the same, shall choose one judge and two inspectors, who shall be sworn or affirmed in the same manner as is provided by law for swearing or affirming election officers, and they shall perform the duties required of them by law, relative to township elections.

Proviso.

Proviso.

First election officers.

Incorporated.

Name.

Privileges.

SECTION 3. That from and after the third Friday in March next, the said burgess and town council duly elected, and their successors, shall be one body politic and corporate, by the name and style of "the burgess and town council of the borough of New Buffalo," and shall have perpetual succession ; and the said burgess and town council, and their successors, shall be capable in law to have, receive, hold and possess goods and chattels, lands and tenements, rents, liberties, jurisdictions, franchises, hereditaments, to them and their successors in fee simple, or otherwise, not exceeding the yearly value of two thousand dollars ; and also to grant, sell, let and assign the same ; and shall be capable in law to sue and be sued, plead and be impleaded in any of the courts of law in this commonwealth, in all manner of actions whatever ; and to have and use one common seal, and the same from time to time, at their will, to change and alter.

Rights of burgess.

SECTION 4. That the burgess shall be president of the council, and shall have and exercise all the rights and privileges of a member thereof in every respect.

Meeting of council.

Powers and duties.

SECTION 5. That the burgess and town council shall meet on the first Monday next succeeding their election in each year, and as often thereafter as occasion may require ; three members shall constitute a quorum to do business, and the proceedings of a majority of a quorum, when there is one found, shall be valid ; they shall have power, in the absence of the burgess, to elect a president pro tem., who shall, in the case of death, resignation, refusal to accept or to act, or inability of the burgess to attend, perform all and every duty enjoined on the burgess ; or in his absence, the president, pro tem., shall have power to call special meetings of the council ; but in all cases of special meetings, personal notice shall be given to every member, unless absent from the borough ; the burgess and members of the town council shall, in all cases, continue to hold and exercise the duties of their respective offices, until their successors shall be duly elected and qualified.

Penalty for refusal or neglect to serve as an officer.

SECTION 6. That if any person duly elected burgess or member of the town council, and having received notice thereof as directed by this act, shall refuse or neglect to take upon himself the execution of the office to which he shall have been elected, or having taken upon him-



self such duties, shall neglect to discharge the same according to law, every such person so refusing or neglecting shall, for every such offence, forfeit and pay the sum of ten dollars ; and every other officer elected or appointed by virtue of this act, or the by-laws or ordinances of the town council aforesaid, who shall neglect or refuse to take upon himself the execution of such office, or having accepted the same, shall refuse or neglect to perform the duties thereof, shall, for every such refusal or neglect, pay a fine not exceeding five dollars, at the discretion of the burgess and town council ; which fines, and all other fines that may be incurred under this act, or any of the by-laws or ordinances of the town council, shall be for the use of the said corporation, and shall be recovered in the name of the burgess and town council of the borough of New Buffalo, as debts of like amount are recovered by law : *Pro-* Proviso.  
*vided*, That no person shall be compelled to serve more than one year in any term of three, and that the payment of a fine shall be equivalent to a service of one year in any office : *And provided further*, Proviso.  
 That nothing herein contained, shall be construed as to exonerate any constable or other officer from the payment of any fine or penalty imposed by the existing laws, or that may hereafter be enacted, for refusing to serve in such office.

SECTION 7. That the burgess, before entering upon the duties of his To be sworn or  
 office, shall take and subscribe an oath or affirmation, before a justice of affirmed.  
 the peace of the said county of Perry, “to support the constitution of the United States and state of Pennsylvania, and to perform the duties of his office with fidelity ;” and when so qualified, he shall administer a like oath or affirmation to each of the members of the town council, high constable, town clerk, and such other officers as shall be elected or appointed under this act, or any by-laws or ordinances of said borough, before they shall enter upon the duties of their respective offices ; which oath or affirmation, so taken and subscribed, shall be filed among the records of said corporation.

SECTION 8. That the town council shall have power to pass and Powers of coun-  
 enact by-laws, rules, regulations and ordinances as they may deem cil.  
 necessary to promote the peace, good order and general welfare of the inhabitants, and well-being of the said borough, and for the purpose of opening, improving and keeping in good order the streets, lanes, alleys, public squares and common grounds, land, wharfs, landings or other property whatsoever, that has heretofore at any time been granted to the use of the citizens of New Buffalo, or that may hereafter be granted to the use of the corporation, and for removing nuisances and obstructions therefrom, and the same to alter, make anew or annul, as the occasion may require ; and also to assess, levy and collect and appropriate such taxes as shall be necessary to carry their rules and ordinances into effect, and to make all necessary contracts and engagements for the same purpose ; they shall have the same authority in obtaining materials for improving the streets, lanes, alleys, landings, wharfs and public grounds, as the supervisors of the highways within this commonwealth have ; and for neglect of their duty in keeping the same in good order, they may be proceeded against by indictment in the court of quarter sessions of said county, and be subject to the like fines and penalties as the supervisors are for any neglect of duty in relation to keeping the public highways in order ; they shall annually appoint a town clerk, treasurer, collector of taxes, street supervisor, when necessary, and such other officers as they may deem necessary, and the same to renew at pleasure ; the officers to be appointed by the council shall be allowed such compensation as the council may fix and agree on ; but the members of the council themselves shall not be entitled to any compensation

for their services as members of the town council; the council may remit any fines or penalties that may be incurred under this act, or any of the by-laws or ordinances, when in their judgment it may be proper so to do, except any fine or penalty that may be imposed on them by the court of quarter sessions of the county, for neglect of duty: *Provided*, No by-law, rule, regulation or ordinance of the said corporation shall be repugnant to the constitution and laws of the United States or of this commonwealth, and that no person shall be subjected to any fine or punishment for a violation of any by-law or ordinance of the said borough, until after six days shall have expired after the promulgation thereof, by at least three copies of the same put up at the most public places within the said borough, and signed by the president or president pro tem., and attested by the town clerk; it shall be the duty of the burgess to cause all the by-laws and ordinances of the council to be carried into effect, and to do and perform all such other services as may be enjoined on him by the same.

Proviso.

Assessment of taxes.

SECTION 9. That in assessing the taxes for the uses aforesaid, due regard shall be had to the valuation of taxable property taken for the purpose of raising the county rates and levies, so that the said tax shall not in any one year exceed one-half cent on the dollar of such valuation, unless some object of general utility shall be thought necessary; in which case three-fourths of the qualified voters of the said borough shall approve of and certify the same in writing, under their hands, to the town council, who shall proceed to assess the same accordingly: *Provided*, That the town council may lay such taxes upon dogs, and make such regulations respecting them in said borough, as they may see proper.

Proviso.

Powers and duties of tax collector.

SECTION 10. That it shall be the duty of the burgess or president pro tem. to issue his warrant to the collector as often as occasion may require, commanding him to collect the taxes assessed by the town council, a list or duplicate of which shall be made out and delivered to the said collector, and to pay the same to the treasurer; and the said collector shall have the same power and authority in the collection of said taxes as the collectors of county rates and levies, and may be proceeded against in the same manner that county treasurers or county commissioners are authorized by law to proceed against the collectors of county taxes, when they neglect to collect or pay over the amount of taxes in their duplicates, according to law; and in all cases of any tax assessed upon any vacant or unseated lot within said borough, and the taxes remain unpaid, it shall be lawful for the collector to certify the same to the county commissioners of Perry county, in the same manner as supervisors of roads are authorized by law to return road taxes on unseated lands; and the county treasurer shall in like manner collect the said taxes, or sell and convey the lot or lots, for the payment of the same, and pay the money out of the treasury to the borough common school, or to whatever it may belong.

Appeal.

SECTION 11. That the burgess and town council, or any three of them, shall, prior to the collection of any borough tax, hold an appeal and hear any complaint in relation to the assessment of the said taxes, and remedy any grievance that may occur in imposing the same; and at any time they may exonerate the collector from the payment of any taxes that may be impracticable to collect.

Duty of town clerk.

SECTION 12. That it shall be the duty of the town clerk to attend the meetings of the town council, when assembled on business of the corporation, and perform the duty of clerk thereto, and keep and preserve the corporate seal and records of the corporation, and be answerable for the same; and also faithfully to discharge all the duties which

may be enjoined on him by this act, or the acts of the corporation; he shall keep a fair journal of the proceedings of the council, in a book to be provided for that purpose; and shall enter all by-laws and ordinances adopted by the council, in a separate book for that purpose, and when signed by the president, shall attest the same; he shall keep a fair index to the same; he shall certify copies, under the seal of the corporation, which copies of any book, paper, by-laws, ordinances or proceedings of the council, when so certified and attested by the clerk, shall be good evidence of the thing certified; he shall deliver over to his successor the seal, and all books, papers and other things belonging to the corporation; and upon neglect or refusal so to do, upon demand made, he shall forfeit and pay a fine of not less than fifty dollars, and be accountable for all damages sustained by the corporation, to be recovered as like debts and damages are by law recoverable; he shall, if required so to do, give bond to the burgess and town council, with approved sureties, for the faithful discharge of his duties.

**SECTION 13.** That it shall be the duty of the treasurer to receive all moneys due to the corporation, whether for taxes, fines, donations or in any other way, and pay out the same on orders of the president, or president pro tem., attested by the secretary; he shall keep fair accounts of his receipts and payments, and settle his accounts with the auditors whenever they shall require the same to be done, and pay over all moneys or balances found in his hands, and deliver to his successor in office, all books, papers and accounts belonging to the corporation, or pertaining to his official duties, when demanded; for the performance of which duties, he shall give bond to the burgess and town council, with sureties therein, as they may require. Duty of treasurer.

**SECTION 14.** That no money shall be drawn from the treasury but by authority of the council, on orders signed by the president thereof, and attested by the clerk. It shall be the duty of the auditors to settle the accounts of the several officers annually, and to cause a fair statement, showing the receipts into the treasury, and how the same shall have been expended, to be published by the town clerk every year, in the month of March, before the annual election of said borough, by setting up at least four copies thereof in the most public places within the borough. Duty of auditors.

**SECTION 15.** It shall and may be lawful for all persons entitled by law to vote for burgess, and other officers of the borough of New Buffalo, at the same time and place where they vote for borough officers, to elect one citizen of said borough for justice of the peace, and make true duplicate returns of the said election of justice of the peace, as is provided for by the existing laws of this commonwealth; at the time of such election, they shall also elect two citizens of said borough, for constables, and return the names of the persons so elected to the next court of quarter sessions of the said county, one of whom shall be appointed constable of said borough, in the like manner, with the like powers and authorities, and receive like fees, and be subject to regulations and penalties as are provided and contained in the laws now existing, or that may hereafter be passed, concerning constables within this commonwealth; and the said constable so appointed, shall do and perform all the duties required to be done by the high constable of said borough, in pursuance of this act, and of the by-laws and ordinances of the said borough. Elect a justice of the peace.  
Constable.

**SECTION 16.** That the territory within the limits of the said borough, shall be a separate district for school purposes, and for the levy and collection of county rates and taxes, and in all other respects shall be separate from the township of Buffalo, in the said county; and that Separate school district.

Proviso.

all the jurisdiction of the officers of the said township, from the third Friday in March next, shall cease, except so far as to collect any taxes that may then be due and owing to them from the inhabitants of the said borough: *Provided*, That nothing herein contained shall be construed to affect the election district as now formed; but that the township of Buffalo, including the borough of New Buffalo, shall be and remain an election district the same as though this act had not been passed.

WILLIAM F. PACKER,  
*Speaker of the House of Representatives.*

WM. WILLIAMSON,  
*Speaker of the Senate.*

APPROVED—The eighth day of April, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

No. 306.

### A FURTHER SUPPLEMENT

To an act, entitled “An Act relating to roads, highways and bridges.”

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That all roads, the width of which have been heretofore fixed under a standing rule of the court, and opened accordingly, or ordered to be opened, are hereby confirmed and made as valid and legal as if the width had been specially fixed by the court at the time of confirmation: Provided, That nothing herein contained shall be so construed as to affect the cases already adjudicated.*

WILLIAM F. PACKER,  
*Speaker of the House of Representatives.*

WM. WILLIAMSON,  
*Speaker of the Senate.*

APPROVED—The eighth day of April, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

No. 307.

## A FURTHER SUPPLEMENT

To the act erecting the town of Birmingham, in the county of Allegheny, into a borough, and relating to the pay of the county commissioners of Lebanon county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the town council of the borough of Birmingham, in the county of Allegheny, when they shall consider that the opening of any new street, lane or alley within the said borough, or that an increase of width of any street, lane or alley already laid out and opened, is necessary for the use and convenience of the public, shall have power, and they are hereby authorized thereupon to direct and determine the location and limits of such street, lane or alley, or the increase of width necessary in any case as aforesaid; and a plan or specification of such location or determination of increase of width, shall be made and deposited in the office of the recording regulator of the said borough, for public examination and inspection, whereof notice shall be given in at least two newspapers published in the county of Allegheny; and any owner or owners of ground lying on the line of such street, lane or alley, who shall consider that he, she or they shall suffer damage from the opening or widening of the same, may apply by petition to the next court of quarter sessions of the county of Allegheny, by whom such orders and appointments shall be made; and the same proceedings in every respect shall be had for the view, appraisalment of damages, the report thereof and confirmation of the same as are directed by the provisions of the general road laws of this commonwealth; and the said council, so soon as they shall have caused payment of damages assessed to be made to persons entitled to receive the same according to the report of the viewers, returned to the said court, and confirmed by the same, may proceed to cause such street, lane or alley to be opened forthwith; and the same shall forever thereafter be taken and allowed to be a public highway, for the same uses and purposes as the other streets, lanes and alleys within the said borough: *Provided nevertheless,* That if the damages ascertained in the manner aforesaid, shall not have been paid within one year from the time of the confirmation of the report of the same, then the proceedings had in pursuance of the provisions of this section, shall be held thereafter null and void.

Town council authorized to lay out and widen streets, lanes and alleys.

Assessment of damages regulated.

Proviso.

SECTION 2. That the viewers appointed under the foregoing section shall inquire what damages the owner or owners of lands, houses or other property may sustain by reason of the opening or widening of any street or streets, alley or alleys, in the borough aforesaid, taking into consideration the advantages that may accrue to any person petitioning for damages; and the said viewers shall further proceed to ascertain, as far as possible, the names of all the owners of lots, or parts of lots, who may receive any benefit or increase of value to their property adjacent to said street or alley, and shall assess on such lot or lots, or parts of lots, an amount which the said viewers shall think the said lot or lots, or piece of lot, shall be benefitted by the opening or widening of such street or streets, lanes or alleys; and in case the

Duty of viewers of damages.

total sum of damages to be paid to all persons in consequence of the opening or the widening of any street, lane or alley as aforesaid, shall exceed the total assessments to be paid by those benefitted by the opening or widening of any street, lane or alley as aforesaid, the excess shall be paid by the borough of Birmingham; the whole proceedings shall be subject to the approval of the court, as in other cases of road damages.

**Report to be entered of record.** SECTION 3. That the said viewers, having made such assessment and apportionment of damages, which, when returned into said court, shall be approved by said court, and shall be entered and recorded at large upon the docket of said court, which thereupon shall bind and conclude all parties owning or claiming to own the property affected by this act, or the proceedings under it, and the sum therein specified to be payable, shall be and remain a lien upon each lot, or parts of lots, to the extent of the assessment and charge thereon, until duly satisfied and paid by said owner or owners.

**Amount to be a lien.** SECTION 4. That the amount of damages thus assessed, and remaining a lien upon said lots, may at any time be discharged, by the owner or owners paying the amount thereof into the treasury of the borough of Birmingham, for the use of the persons entitled thereto; and unless paid within one year after said confirmation by court as aforesaid, the lot or parcel of ground may be levied upon and sold, under a writ of *levari facias*, issued in the name of the burgess and town council of the borough of Birmingham, at the instance of any person interested; and the moneys so assessed and paid into the borough treasury, shall be paid over to the persons entitled thereto, or to their legal representatives.

**Amount of liens to be recoverable.** SECTION 5. That the town council of the said borough of Birmingham, may at their sessions enact, ordain, revive, repeal and amend all such by-laws, ordinances, rules and regulations, as shall be deemed expedient to compel the owner and owners of any lots of ground, in said borough, to pave in such manner as the said town council, by their ordinance, may direct, the footways or sidewalks of said borough, and to renew all pavements already made, which shall have decayed or worn out; and in case the said owner or owners shall refuse or neglect, after having received one month's notice from the said council, by the hands of any borough officer, or if the said owner or owners do not reside within the said borough, then after a notice shall have been put up upon their lots for one month, to pave in accordance with the ordinance aforesaid, and to renew the pavements as aforesaid, the town council aforesaid, shall cause the said pavement to be made or renewed at the expense of the said owner or owners; and in all cases where the town council as aforesaid, shall pave, in default of any owner of any lot, the footways as aforesaid, the council may charge the owner of said lot the additional sum of ten per cent. on all bills of materials furnished, and labor expended in paving in front of said lot or lots, to defray the expense of superintending the same; and after the said pavement or pavements are completed, it shall be lawful for the said council to file a certificate for the amount of the cost thereof, signed by the burgess, and attested by the clerk of the council, in the office of the prothonotary of the court of common pleas of the county of Allegheny, setting forth the amount due by the said owner or owners; and it shall be the duty of the prothonotary to enter the same in his docket; which certificate shall, from such entry, have the same operation and effect as a judgment of said court, and execution may be issued thereon in like manner as on judgments for the amount remaining unpaid at any time after the entry aforesaid: *Provided nevertheless*, That no owner of any lot shall be compelled to pave in front thereof, until the town council as aforesaid, shall first have graded the street to the established grade of said street.

**Town council authorized to pass ordinances, &c., compelling foot ways, &c. to be paved.** SECTION 5. That the town council of the said borough of Birmingham, may at their sessions enact, ordain, revive, repeal and amend all such by-laws, ordinances, rules and regulations, as shall be deemed expedient to compel the owner and owners of any lots of ground, in said borough, to pave in such manner as the said town council, by their ordinance, may direct, the footways or sidewalks of said borough, and to renew all pavements already made, which shall have decayed or worn out; and in case the said owner or owners shall refuse or neglect, after having received one month's notice from the said council, by the hands of any borough officer, or if the said owner or owners do not reside within the said borough, then after a notice shall have been put up upon their lots for one month, to pave in accordance with the ordinance aforesaid, and to renew the pavements as aforesaid, the town council aforesaid, shall cause the said pavement to be made or renewed at the expense of the said owner or owners; and in all cases where the town council as aforesaid, shall pave, in default of any owner of any lot, the footways as aforesaid, the council may charge the owner of said lot the additional sum of ten per cent. on all bills of materials furnished, and labor expended in paving in front of said lot or lots, to defray the expense of superintending the same; and after the said pavement or pavements are completed, it shall be lawful for the said council to file a certificate for the amount of the cost thereof, signed by the burgess, and attested by the clerk of the council, in the office of the prothonotary of the court of common pleas of the county of Allegheny, setting forth the amount due by the said owner or owners; and it shall be the duty of the prothonotary to enter the same in his docket; which certificate shall, from such entry, have the same operation and effect as a judgment of said court, and execution may be issued thereon in like manner as on judgments for the amount remaining unpaid at any time after the entry aforesaid: *Provided nevertheless*, That no owner of any lot shall be compelled to pave in front thereof, until the town council as aforesaid, shall first have graded the street to the established grade of said street.

**Proceedings in case of refusal or neglect.** SECTION 5. That the town council of the said borough of Birmingham, may at their sessions enact, ordain, revive, repeal and amend all such by-laws, ordinances, rules and regulations, as shall be deemed expedient to compel the owner and owners of any lots of ground, in said borough, to pave in such manner as the said town council, by their ordinance, may direct, the footways or sidewalks of said borough, and to renew all pavements already made, which shall have decayed or worn out; and in case the said owner or owners shall refuse or neglect, after having received one month's notice from the said council, by the hands of any borough officer, or if the said owner or owners do not reside within the said borough, then after a notice shall have been put up upon their lots for one month, to pave in accordance with the ordinance aforesaid, and to renew the pavements as aforesaid, the town council aforesaid, shall cause the said pavement to be made or renewed at the expense of the said owner or owners; and in all cases where the town council as aforesaid, shall pave, in default of any owner of any lot, the footways as aforesaid, the council may charge the owner of said lot the additional sum of ten per cent. on all bills of materials furnished, and labor expended in paving in front of said lot or lots, to defray the expense of superintending the same; and after the said pavement or pavements are completed, it shall be lawful for the said council to file a certificate for the amount of the cost thereof, signed by the burgess, and attested by the clerk of the council, in the office of the prothonotary of the court of common pleas of the county of Allegheny, setting forth the amount due by the said owner or owners; and it shall be the duty of the prothonotary to enter the same in his docket; which certificate shall, from such entry, have the same operation and effect as a judgment of said court, and execution may be issued thereon in like manner as on judgments for the amount remaining unpaid at any time after the entry aforesaid: *Provided nevertheless*, That no owner of any lot shall be compelled to pave in front thereof, until the town council as aforesaid, shall first have graded the street to the established grade of said street.

**Enter liens.** SECTION 3. That the said viewers, having made such assessment and apportionment of damages, which, when returned into said court, shall be approved by said court, and shall be entered and recorded at large upon the docket of said court, which thereupon shall bind and conclude all parties owning or claiming to own the property affected by this act, or the proceedings under it, and the sum therein specified to be payable, shall be and remain a lien upon each lot, or parts of lots, to the extent of the assessment and charge thereon, until duly satisfied and paid by said owner or owners.

**Proviso.** SECTION 4. That the amount of damages thus assessed, and remaining a lien upon said lots, may at any time be discharged, by the owner or owners paying the amount thereof into the treasury of the borough of Birmingham, for the use of the persons entitled thereto; and unless paid within one year after said confirmation by court as aforesaid, the lot or parcel of ground may be levied upon and sold, under a writ of *levari facias*, issued in the name of the burgess and town council of the borough of Birmingham, at the instance of any person interested; and the moneys so assessed and paid into the borough treasury, shall be paid over to the persons entitled thereto, or to their legal representatives.

SECTION 6. That all former laws inconsistent herewith, be and the Repeal. same are hereby repealed.

SECTION 7. That the county commissioners, who may hereafter be Pay of commis- elected or appointed in and for the county of Lebanon, shall respec- tioners of Leba- tively receive the sum of one dollar and fifty cents for each day they non county fixed. shall necessarily attend to the duties of their office: *Provided*, That Proviso. the pay of any one of the said commissioners, shall not exceed one hundred and fifty dollars per annum.

WILLIAM F. PACKER,  
*Speaker of the House of Representatives.*  
WM. WILLIAMSON,  
*Speaker of the Senate.*

APPROVED—The eighth day of April, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

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No. 308.

## AN ACT

Regulating the sale of corn meal in the counties of Bucks, Montgomery, Delaware, and the city and county of Philadelphia, for the extension of the Springhouse and Sumneytown turnpike road, and for the relief of S. W. Lippencott.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* from and after the first day of August, one thousand eight hundred and forty-eight, it shall not be lawful for any person within the counties of Bucks, Montgomery, Philadelphia and Delaware, and the city of Philadelphia, to sell Indian corn meal in any other way than by weight; and any person who shall, after the day aforesaid, sell Indian corn meal by measure, or in any other way than by weight, shall be liable, for each and every offence, to a fine of five dollars, which may be recovered before any alderman or justice of the peace, as sums of like amount are by law recoverable—one-half whereof shall go to the informer, and the other half to the use of the city or county wherein such conviction takes place: *Provided*, That nothing herein contained shall be construed to prohibit the sale of Indian corn meal by the hog-head, barrel or half barrel, as is now provided for by the inspection laws of this commonwealth.

SECTION 2. That the Springhouse and Sumneytown turnpike road company are hereby authorized to extend their turnpike road from its present terminus, in Sumneytown, Montgomery county, to Green Lane tavern, there forming a junction with the Perkiomen and Sumneytown turnpike road; and that the said extension shall, in all respects, be subject to all and singular the provisions and penalties of the act to which this is a supplement.

S. W. Lippencott authorized to exercise the privilege of an auctioneer in Philadelphia. SECTION 3. That S. W. Lippencott, of the city of Philadelphia, may use and exercise all the privileges and rights conferred on him by a commission issued by the governor, bearing date the fifteenth of February, Anno Domini, eighteen hundred and forty-two, (as an auctioneer in the city of Philadelphia,) for any period of seven consecutive months, to be computed from any time hereafter, at which he shall recommence business as an auctioneer, in the city of Philadelphia. *Provided however,* That the said S. W. Lippencott shall not be at liberty to enjoy the privileges and rights hereby granted to him, until he shall have filed the like security for the faithful performance of the duties of an auctioneer, as would be necessary on taking out a new commission, similar to the one above recited: *And provided further,* That he shall make it appear, to the satisfaction of the secretary of the commonwealth, that he did not exercise the duties of an auctioneer, under the said commission, for a longer period than five months.

Proviso.

Proviso.

WILLIAM F. PACKER,  
*Speaker of the House of Representatives.*

WM. WILLIAMSON,  
*Speaker of the Senate.*

APPROVED—The eighth day of April, one thousand eight hundred and forty-eight.  
FRS. R. SHUNK.

## No. 309.

### A SUPPLEMENT

To the act, entitled “An Act to provide for the election of prothonotaries, clerks, recorders and registers,” passed July second, one thousand eight hundred and thirty-nine.

Northampton  
county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the qualified electors of the county of Northampton shall, at the next general election, and thereafter whenever it becomes necessary to hold an election under the act to which this is a supplement, at the time and place of holding their general elections, elect one person to fill the office of prothonotary, and one person to fill the office of clerk of the court of general quarter sessions and oyer and terminer.

Repeal.

SECTION 2. That so much of the act to which this is a supplement as is inconsistent herewith, or altered hereby, be and the same is hereby repealed.

WILLIAM F. PACKER,  
*Speaker of the House of Representatives.*

WM. WILLIAMSON,  
*Speaker of the Senate.*

APPROVED—The eighth day of April, one thousand eight hundred and forty-eight.  
FRS. R. SHUNK.



## No. 310.

## AN ACT

Authorizing certain state roads.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That Israel L. Craft and William Armstrong, of Greene county, and Joshua V. Gibbons, of Fayette county, be and they are hereby appointed commissioners to view and lay out, and mark a state road, beginning at or near Waynesburg, Greene county; thence by way of Carmichaeltown, in said county, to Uniontown, in Fayette county, by the easiest and most practicable route, having reference to distance of the route, surface of the country, and cost of construction. Commissioners. Location.

SECTION 2. That it shall be the duty of said commissioners, or a majority of them, after having been duly sworn or affirmed before a justice of the peace, who shall file and preserve the same in his office, to perform all the duties enjoined by this act with impartiality, carefully to view the ground over which the road, to be laid out by them, may pass, having due regard to a straight and easy road for the public, at an elevation of not more than five degrees from a horizontal line; and that they shall clearly and distinctly mark the road in such a manner, as shall render the route agreed upon, readily found by the supervisors; and for fulfilling the duties enjoined by this act, the commissioners shall be allowed the sum of one dollar and fifty cents per day, for every day they shall be necessarily employed in performing the duties assigned by this act; and the said commissioners are hereby authorized to employ one surveyor, at one dollar and fifty cents per diem, two chain bearers and one axeman, at a sum not exceeding, for each, one dollar per diem. To be sworn. Compensation.

SECTION 3. That said commissioners shall make out a fair and accurate draft of the location of the road, noting thereon courses and distances, and the places, waters, county and township lines, with such other matter as may serve for explanation, one copy whereof shall be deposited in the office of the secretary of the commonwealth, on or before the first day of January next, and one copy in the office of the clerks of the court of quarter sessions of the respective counties through which the said road may pass, on the time aforesaid, or as much sooner as practicable; and from thenceforth, said road shall be a public highway, and shall be opened and repaired as all other roads laid out by the courts, are made and repaired. Draft. Public highway.

SECTION 4. And the commissioners shall draw on the commissioners of the counties through which said road shall pass, who shall adjust the accounts of the commissioners, surveyor, chain bearers and axeman, and pay them as other accounts, by orders on the treasurer of the county, are paid. Warrants to be settled and paid.

SECTION 5. And said commissioners shall meet on or before the first Monday of August next, or as soon thereafter as a majority of them shall agree on, and complete the location of said road as soon as practicable; and if any vacancy shall occur by resignation, or otherwise, it shall be filled by the judges of the court of quarter sessions of the county. Time of meeting. Vacancies to be supplied.

county in which said person or persons, so resigning, shall have resided.

**Duty of supervisors.** SECTION 6. And it shall be the duty of the supervisors of the several townships through which said road shall pass, upon notice given, to proceed at once, and make and open the said road as other roads are made; and on failing to comply, the said supervisors, or any of them, shall forfeit and pay a fine not less than fifty dollars, to be collected as other fines are collected, and said fine shall be appropriated for the use of said road; and the justice of the peace before whom information is lodged, shall have power to appoint another person in place of the supervisor refusing to perform the duties prescribed by this act, who shall be paid out of the funds set apart for the laying out and repairing of roads in the township in which said person, so refusing, may reside; and the said commissioners shall have power to vacate any road, or part thereof, as may be rendered useless by this act, or shall have power to locate any part of the road between the points mentioned by this act.

**Commissioners to lay out a state road from Brady's Bend iron works to Rankin's.** SECTION 7. That John Sloan, Jr., Samuel N. Hall, of Clarion county, and John Gilchrist, of Armstrong county, be and they are hereby appointed commissioners, to view and lay out a state road from the Brady's Bend iron works, in Armstrong county, to intersect the Waterson road at Joseph D. Rankin's, in said county.

**To be sworn or affirmed.** SECTION 8. It shall be the duty of the said board of commissioners, or a majority of them, after taking and subscribing an oath or affirmation before a justice of the peace, to perform the duties enjoined upon them by this act with impartiality and fidelity, to carefully view the ground over which said road may pass, and to lay out the same on the nearest and best ground, and in no place to exceed an elevation of five degrees.

**Mark the route.** SECTION 9. That it shall be the duty of the said commissioners, plainly and distinctly to mark the ground on the routes agreed upon for the road aforesaid, in such manner as to enable the supervisors readily to find the same; and for the purpose of fulfilling the duties in this act enjoined, the said commissioners are hereby authorized to employ at a per diem allowance not exceeding one dollar each, two chain carriers and one axeman; and the said commissioners respectively shall receive a per diem allowance not exceeding one dollar and fifty cents each, for each day necessarily expended in the discharge of the duties enjoined by this act; and the said commissioners performing the duties of surveyor, shall have and receive an additional compensation of one dollar per day, for each and every day spent in the laying out of said road, to be paid in manner and form as hereinafter directed.

**Employ assistants.** **Compensation.** **Make drafts.** SECTION 10. It shall be the duty of said commissioners to make out a fair and accurate draft of the location of said road, noting thereon the courses and distances as they occur, the improvements, and also the crossing of township lines, roads and waters, with such other matters as may serve for explanation, one copy whereof shall be deposited in the office of the secretary of the commonwealth, on or before the tenth day of April next, and one copy in the office of the clerk of the courts of Clarion county, and one copy in the office of the clerk of the courts of Armstrong county, on the day aforesaid, or as much sooner as practicable, which shall be a record thereof; and from thenceforth the said road shall be to all intents and purposes a public highway, and shall be opened to the breadth, and repaired in all respects as roads are opened and repaired which are laid out by order of the court aforesaid.

**SECTION 11.** That the accounts of the said commissioners for their own pay, and the pay of their chain carriers, shall be made out and returned to the commissioners of said counties of Clarion and Armstrong, and that they be paid out of the treasury of said counties on warrants drawn in the usual way; and the expenses of the location of said road shall be paid by the counties of Clarion and Armstrong, in proportion to the distance said road passes through each county.

*Accounts to be settled and paid.*  
*How expenses of road shall be paid.*

**SECTION 12.** That the said commissioners shall meet on or before the first Monday of June next, or as soon thereafter as practicable, and complete the view of said road.

*Time of meeting.*

**SECTION 13.** That Joseph Hair and A. M. Hill, of the county of Fayette, and Robert Hitchman, of Westmoreland county, be and they are hereby appointed commissioners, to view and lay out a state road from at or near Mount Pleasant, in Westmoreland county, through East Liberty, Fayette county, to Uniontown, in Fayette county, by nearest and best route, marking the same plainly and distinctly upon the ground.

*Commissioners appointed to lay out a state road from Mount Pleasant to Uniontown.*

**SECTION 14.** That the said commissioners, after taking and subscribing an oath or affirmation to perform the duties enjoined on them by this act, with fidelity and impartiality, shall proceed to view the ground and lay out the road as near a straight line, between the said points, as the nature of the ground will permit, so that the vertical departure from a horizontal line, shall at no point exceed five degrees, except at crossing ravines and streams, when by a moderate excavation, filling or bridging, the declination of said road may be preserved within that limit.

*To be sworn.*  
*Duties.*

**SECTION 15.** That said commissioners shall meet on or before the first day of November next, and proceed to complete the view of said road; and they are hereby authorized to employ one surveyor, at a per diem not exceeding two dollars, two chain bearers and one axeman, at a per diem of one dollar each; and the said commissioners shall each receive a per diem not exceeding two dollars, for each day necessarily spent in the discharge of the duties enjoined by this act; and the accounts of said commissioners, for their own pay, and the pay of surveyor, chain bearers and axemen, shall be paid by the commissioners of the counties of Fayette and Westmoreland, by warrant drawn on the county treasurer, in proportion to the time spent in locating the said road within each county, respectively.

*Time of meeting.*  
*Compensation.*  
*How to be paid.*

**SECTION 16.** That it shall be the duty of the said commissioners to make out a fair and accurate draft of the location of the said road, noting courses and distances, improvements, roads, township lines and waters, one copy whereof shall be deposited in the office of the secretary of the commonwealth, on or before the first day of January next after the said survey is completed, and one copy in the office of the clerk of the court of quarter sessions of each county, in which said road may lie; and from thenceforth the said road shall be a public highway, and shall be opened and repaired in all respects as roads are opened and repaired, which are laid out by order of the said courts of quarter sessions in said counties.

*Draft.*

**SECTION 17.** That it shall be the duty of the said commissioners to endeavor to procure from all persons, through whose lands said road may be located, a release for all claims of damages which might arise from opening the said road; and in every case where they cannot obtain such release, it shall be their duty to assess the damages and make report thereof, signed by a majority of them, and return, together with the releases, to the courts of quarter sessions of the respective counties in which such damages may accrue.

*To procure releases for damages.*

Geo. White appointed commissioner to collect and expend the appropriation for the repair of the state road from Robert Allen's to Blossburg.

**SECTION 18.** That George White, of Lycoming county, be and he is hereby appointed a commissioner, to carry into effect the provisions of the act, passed the fourteenth day of April, one thousand eight hundred and thirty-eight, to which this is a supplement, so far as the same relates to the appropriation of money, for the improvement of the state road from Robert Allen's, in Lycoming county, by way of Trout run, to Blossburg, in Tioga county; and that the said commissioner is hereby authorized to collect, by suit or otherwise, any unexpended balance which may be in the hands of former commissioners, from them or their sureties: *Provided*, That before entering on his duties, the commissioner hereby appointed shall give bonds to the commonwealth, to be approved by the court of quarter sessions of Lycoming county, for the faithful disbursement of any moneys which he may receive in pursuance of the provisions of this act.

Act authorizing the election of road master in West Salem township, Mercer county, repealed. Duty to be performed by supervisors.

Proceedings to settle damages done to private property.

**SECTION 19.** That so much of the fifth section of an act, entitled "An Act relative to roads and bridges, in the counties of Crawford, Clearfield and Greene," approved the seventh day of May, one thousand eight hundred and forty-four, as directs the election of a road master in each sub-school district, be and the same is hereby repealed, so far as relates to West Salem township, Mercer county; and the duties heretofore performed by road masters, shall be performed by the supervisors of said township; and for the purpose of settling any claim for damage done to private property, by the opening of any new road in said township, it shall be lawful for the parties in interest to choose three disinterested freeholders, who, after taking an oath or affirmation to discharge their duties, under this section, with impartiality and fidelity, shall view the premises and assess the damage, if any; and they, or a majority of them, shall make an award, under their hands and seals, and file the same with the township clerk, within five days after the date thereof; which award shall be final and conclusive in the premises, and shall be paid by the person or persons applying for said road, together with the cost of such proceeding; the payment whereof, shall be enforced as debts of like amount are recoverable before justices of the peace: *Provided*, That said viewers shall not be allowed more than one dollar per day, for each day necessarily spent by them in the performance of said duties.

Proviso.

Commissioners appointed to lay out a state road from Lamberton's saw mill to the Sulphur Springs.

**SECTION 20.** That George Stroop, of Perry county, and Patrick Davidson and Jefferson Worthington, of Cumberland county, be and they are hereby appointed commissioners to view and lay out and mark a state road, beginning at or near Wise's bridge, on the Sulphur Spring road, in North Middleton township, Cumberland county; thence over the North mountain, at Crane's Gap, to Lamberton's saw mill, in Carroll township, Perry county.

To be sworn.

Duties.

Mark the route.

Compensation.

**SECTION 21.** That it shall be the duty of said commissioners, or a majority of them, after having been duly sworn or affirmed before a justice of the peace, who shall file and preserve the affidavits in his office, to perform all the duties enjoined by this act, with fidelity and impartiality, carefully to view the ground over which the road to be laid out by them may pass, having due regard to a straight and easy road for the public, (so as to make the grade as easy as possible on said mountain for heavily loaded wagons,) and they shall clearly and distinctly mark the road in such a manner as shall render the route agreed upon readily found by the supervisors; and for fulfilling the duties enjoined by this act, the commissioners shall be allowed the sum of two dollars per day, for every day they shall necessarily be employed in

performing the duties assigned by this act; and the said commissioners are hereby authorized to employ one surveyor, at two dollars a day, two chain bearers and one axeman, at a sum not exceeding, for each, one dollar a day.

SECTION 22. That said commissioners shall make out a fair and accurate draft of the location of the road, noting thereon courses and distances, and the places, waters, county and township lines, with such other matter as may serve for explanation, one copy whereof shall be deposited in the office of the secretary of the commonwealth, on or before the first day of August next, and one copy in the office of the clerk of the courts of quarter sessions of the counties of Cumberland and Perry, at the time aforesaid, or as much sooner as practicable, which shall be a record thereof; and from thenceforth said road shall be a public highway, and shall be opened and repaired in all respects as roads are opened and repaired by the supervisors of the highways, without the intervention of any order of any court for that purpose; and any part or parts of said road may be, immediately on the filing of the drafts aforesaid, opened and worked for the benefit of the public; and the supervisors of the several townships through which the said road shall be laid out as aforesaid, shall open the said road of the width of twenty-five feet at least, on the mountain, and thirty-three feet on the other parts thereof.

SECTION 23. The accounts of the said commissioners, for their own pay and for the pay of a surveyor, chain carriers and axeman, shall be adjusted by the commissioners in the respective counties in which the said road may be laid out, and paid by the respective treasurers thereof, on warrants drawn in the usual manner, in proportion to the length of road in each county respectively: *Provided*, That such accounts shall be verified on oath, that they are correct and proper.

SECTION 24. The said commissioners shall meet on or before the first Monday in May next, or as soon thereafter as a majority of them shall agree upon, and complete the location of said road as soon as practicable; and if any vacancy or vacancies shall happen by resignation, or any other cause, the court of quarter sessions of Cumberland county is hereby authorized to supply such vacancy or vacancies by a suitable appointment; and in the event of a difference of opinion, a majority of the commissioners shall determine, and a report of such a majority shall be conclusive and as available as if made by all of them.

SECTION 25. That the expenses of opening said road shall be paid by the respective counties through which the same shall pass, to the amount which shall be expended in each county, the accounts thereof to be settled by the commissioners of the respective counties, in the usual way.

SECTION 26. That the act authorizing the governor to incorporate a company to make an artificial road from the Centre turnpike, near the Bear Gap, to the North-east Branch of the Susquehanna, at the end of the Blue hill, near Danville, in Northumberland county, known by the name and style of "The president, managers and company of the Danville turnpike road," be and the same is hereby repealed; and the said road is hereby declared to be a public highway, to be kept in good and sufficient repair by the supervisors of the townships through which said road runs, as other public highways are in their respective townships.

SECTION 27. That the commissioners of M'Kean county be and they are hereby authorized to appropriate, out of the county funds, the sum of one thousand dollars, to repair the road leading from the mouth of

Draft.

Public highway.

Duty of supervisors.

Accounts to be settled and paid.

Time of meeting.

Vacancies to be supplied.

Expenses of opening road, how to be paid.

Act incorporating Danville turnpike road, repealed, and declared a public highway.

Commissioners of M'Kean county to make appro-

priation for the repair of Knapp's Creek road, in said county.

To appoint persons to expend the money, who are to give approved security.

Accounts, how settled.

How expenses of viewers of roads and bridges and damages, in Lebanon county, are to be paid.

Proviso.

Knapp's creek, in the township of Eldred, to the forks of said creek, a distance of about five miles; and the commissioners are hereby authorized to appoint three competent persons, whose duty it shall be to expend such money in improving and repairing the said road, who shall give bonds for the faithful expenditure of such money, which bond shall be approved by the court of quarter sessions for said county; and shall, on the first Monday of January, in each year, settle their accounts with the auditors of M'Kean county, in such manner as the accounts of other county affairs are now settled, until the whole sum so appropriated shall have been expended.

SECTION 28. That hereafter the expense of all views and viewers of public roads and bridges, and of views to assess damages arising from the opening of public roads, in Lebanon county, shall be paid by the petitioners; and all assessments of damages arising from the opening of such roads, shall be paid by the respective townships and boroughs in which such damages may have been sustained: *Provided*, That the supervisors of the said townships and boroughs respectively, be authorized to levy a tax for the payment of the damages incurred.

WHEREAS, The commissioners of Cumberland county have spent upwards of four hundred and thirty dollars of the county funds, in making a turnpike road in Newton township, in said county, as required by a law approved on the fifteenth day of March, one thousand eight hundred and forty-seven:

*And whereas*, The other roads in the county are kept in repair by the respective townships, and it would be unjust that the one above-mentioned should be a charge on the county funds; therefore,

Act relative to the Conodoguinnett road and bridge, in Cumberland county, repealed.

SECTION 29. That the first section of an act, entitled "An Act to authorize the commissioners of Cumberland county to repair a certain bridge and road adjacent, and relative to the Conodoguinnett bridge," approved on the fifteenth day of March, one thousand eight hundred and forty-seven, be and the same is hereby repealed.

Commissioners appointed to lay out a state road from Rebersburg to Tylersville.

SECTION 30. That Adam Shaffer, John Rhule and Henry Royer, of Centre county, Jacob Spangler and Christian Grub, of Clinton county, or any three of them, are hereby appointed commissioners to view and locate a State road from Rebersburg, in Centre county, to Tylersville, in Clinton county, with power to locate and fix said road; and when they shall have reviewed and located said road, it shall be their duty to make out two correct plots or drafts of said road, designating the lines thereof, and deliver the said plots or drafts to the clerks of quarter session of Centre and Clinton counties; and the said commissioners shall be entitled to receive one dollar per day, for every day necessarily employed in said location, to be paid by the treasurers of Centre and Clinton counties, in equal proportions, on the order of the commissioners of the said respective counties; and that the said road commissioners are hereby authorized to employ all necessary hands to complete the same, and to be paid as the said commissioners are. The said commissioners shall meet on or before the first Monday of October next; and from thenceforth the said road shall be, to all intents and purposes, a public highway, and shall be opened and repaired as roads which are laid out by order of the court aforesaid.

Drafts.

Compensation.

How paid.

Time of meeting.

Certain road laws relating to Cone-wago township, York county, repealed.

SECTION 31. That the eighth section of the act, entitled "An Act to lay out a State road from the Somerset and Mount Pleasant turnpike road, on the top of Chestnut ridge, in Fayette county, to intersect the Somerset and Cumberland turnpike road, at or near Gibler's farm, in Somerset county, and for other purposes," approved the sixteenth day of April, eighteen hundred and forty-five, be and the same is hereby repealed.

**SECTION 32.** That James Pollock and James Donehoo, of Washington county, and John F. Wrenshaw, of Allegheny county, be and are hereby appointed commissioners to view, lay out and mark a State road, beginning at the village of Mount Pleasant, in the county of Washington, to a point at or near the mouth of Coal Pit run, in Allegheny county. Commissioners appointed to lay out a state road from Mount Pleasant to the mouth of Coal Pit run.

**SECTION 33.** That it shall be the duty of said commissioners, or a majority of them, after having been duly sworn or affirmed before a justice of the peace, who shall file and preserve the same in his office, to perform all the duties enjoined by this act with impartiality, carefully to view the ground over which the road, to be laid out by them, may pass, having due regard to a straight and easy road for the public; and that they shall clearly and distinctly mark the road, in such manner as shall render the route agreed upon, readily found by the supervisors; and for fulfilling the duties enjoined by this act, the commissioners shall be allowed one dollar and fifty cents per day, for every day they shall be necessarily employed in performing the duties assigned by this act; and the said commissioners are hereby authorized to employ one surveyor, at two dollars per day, two chain bearers and one axeman, at a sum not exceeding one dollar, for each, per diem. Duties. Compensation.

**SECTION 34.** That said commissioners shall make out a fair and accurate draft of the location of the road, noting thereon courses and distances, and the places, waters, county and township lines, with such other matter as may serve for explanation, one copy whereof shall be deposited in the office of the secretary of the commonwealth, on or before the first day of January, eighteen hundred and forty-nine, and one copy in the office of the clerks of the courts of quarter sessions of the respective counties through which the road may pass, at the time aforesaid, or as much sooner as practicable; and from thenceforth said road shall be a public highway, and shall be opened and repaired as all other roads, laid out by the courts, are made and repaired. Drafts.

**SECTION 35.** The commissioners shall draw on the commissioners of the counties through which said road shall pass, who shall adjust the account of the commissioners, surveyor, chain bearers and axeman, and pay them as other accounts, by orders on the treasurer of the county, are paid. Expenses of location, how to be paid.

**SECTION 36.** Said commissioners shall meet on or before the first Monday of July next, or as soon thereafter as a majority of them shall agree upon, and complete the location of said road as soon as practicable; and if any vacancy shall occur by resignation, or otherwise, it shall be filled by the majority of said commissioners, or by appointment by the judges of the courts of quarter sessions of the county in which said person or persons, so resigning, shall have resided. Time of meeting. Vacancies to be supplied.

**SECTION 37.** It shall be the duty of the supervisors of the several townships through which said road may pass, upon notice given, to proceed at once, and make and open the said road as other roads are made; and on failing to comply, the said supervisors, or any of them, shall forfeit and pay a fine not less than fifty dollars, to be collected as other fines are collected, and said fine shall be appropriated for the use of said road; the justice of the peace before whom information is lodged, shall have power to appoint another person in place of the supervisor refusing to perform the duties of this act, who shall be paid out of the funds set apart for the laying out and repairing of roads in the township in which said person, so refusing, may reside; and that said commissioners shall have power to vacate any road, or part thereof, as may be rendered useless by this act, or shall have power to vacate any part of the road between the points mentioned by this act: *Pro-* Duty of supervisors. Commissioners may vacate certain roads. Proviso.



*vided*, That said commissioners shall not have power to vacate any part of a road located from May's saw mill, in Washington county, to Coulter's mill, in Allegheny county.

Commissioners appointed to lay out a state road from Williamsport to Sullivan county.

SECTION 38. That William Colley, of Sullivan county, John Barbour, and A. H. M'Henry, of Lycoming county, be and they are hereby appointed commissioners to view, lay out, and mark a state road, beginning at Williamsport, in Lycoming county; thence by the most practicable and suitable route by way of Loyalsock creek, to some convenient point on the Susquehanna and Tioga turnpike, in the county of Sullivan; and in case of resignation or refusal to act by either of said commissioners, it shall be the duty of the judges of the court of quarter sessions of the county in which the commissioners resigning or refusing to act resides, to appoint a substitute.

Time and place of meeting.

SECTION 39. That it shall be the duty of said commissioners to meet at the house of J. H. Kelton, in said county of Lycoming, on the first day of June next, or earlier, and after having made oath before some officer authorized to administer the same, faithfully and honestly to discharge the duties enjoined upon them by this act, proceed to view the ground over which the proposed road is to pass, and lay out the said road upon the best and most practicable route, having regard to public accommodation, the crossing of streams, the damage to private property, and the nature of the ground, so that a good road may be had; and it shall be the duty of said commissioners to plainly and carefully mark the route agreed upon.

Duties.

Compensation.

SECTION 40. The commissioners herein named, shall receive a per diem allowance of one dollar and fifty cents for each day they shall be necessarily employed in performing the duties under this act; and they are authorized to employ two chain carriers and one axeman, at one dollar per day.

Drafts.

SECTION 41. The said commissioners shall on or before the first day of January next, make out three drafts of said road as located, whereon shall be noted the courses and distances, the crossings of county and township lines, and the crossing of streams, one of which shall be forwarded by mail to the secretary of the commonwealth, to be filed in his office as a matter of record, and one to be filed in the office of the clerk of the court of quarter sessions, in the respective counties through which the road may pass; and from the time of such filing as last stated, the said road shall be to all intents and purposes a public highway, and shall be opened and repaired as hereinafter provided.

Accounts to be settled and paid.

SECTION 42. That the accounts of said road commissioners, for their own pay and the pay of those directed to be employed by them under this act, shall be adjusted by the county commissioners of the counties through which the road may pass, and paid out of the treasuries of the same, according to the time actually required to locate the said road, within the said respective counties.

WILLIAM F. PACKER,

*Speaker of the House of Representatives.*

WM. WILLIAMSON,

*Speaker of the Senate.*

APPROVED—The eighth day of April, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.



## No. 311.

## A SUPPLEMENT

To an act authorizing the governor to incorporate the president, managers and company of the Lackawaxen, Belmonte and Oghquago, and Belmonte and Easton turnpike road.

**SECTION 1.** *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That if the president, managers and company of the Lackawaxen turnpike road shall neglect to keep the said road in good and perfect order and repair for the space of fifteen days, and information thereof, on oath or affirmation, shall be given to any judge of the court of quarter sessions of the peace of the proper county, such judge shall summon five disinterested and judicious freeholders, to meet at a certain time, at the place in said road complained of; which precept shall be served on said freeholders, and on the keeper or keepers of the gates or turnpike nearest the place or places in said road complained of, at least five days before said time of meeting, by delivering to each a fair copy thereof; and which precept shall be served by any constable of the proper county, and duly returned to said judge within ten days from the issuing thereof.

Proceedings  
against company  
in case of neglect  
to keep the road  
in order and re-  
pair.

**SECTION 2.** The said freeholders shall meet at the time and place in said precept mentioned, and being first duly sworn or affirmed, shall proceed to inquire whether any part of said road complained of be in such good and perfect order and repair as aforesaid; and if the said road shall be found by the said freeholders to be out of order and repair, according to the true intent and meaning of this act, they shall cause an inquisition to be made under their hands and seals, or a majority of them, and shall send one copy thereof to each of the keepers of the gates or turnpikes between which such defective place or places shall be; and from thenceforth the tolls at such turnpike gates, for the intermediate distances between them, shall cease to be demanded, paid or collected; and the said freeholders shall file said inquisition with the said judge, within five days after finding the same: *Provided*, That whenever said road or defective places, as the case may be, shall have been put in good order and repair, according to the true intent and meaning of this act, it shall be lawful for said company to certify the same, supported by oath or affirmation, to said judge, and from thenceforth the tolls may be demanded and collected as before; but if the said road shall not be put in good and perfect order and repair before the next ensuing court of quarter sessions of the proper county, on the written application of the complainant at whose instance the proceedings were instituted, the said judge shall certify and send a copy of the said inquisition to the justices of said court, who shall direct a bill of indictment to be sent to the grand inquest, against the person or persons entrusted with the care and supervision of said road, or such part thereof as shall have been found defective; and on the finding of such bill by the grand inquest, shall cause process to issue and bring in the body or bodies of the person or persons entrusted as aforesaid, and upon conviction shall give such judgment, according to the nature and

Duties of inqui-  
sition.  
  
Proviso.

aggravation of the neglect, as the said court in their discretion shall think proper: *Provided*, That the fine in no case shall be less than ten dollars, nor exceeding fifty dollars; and the fines so to be imposed shall be paid to the supervisors of highways of the place wherein the offence was committed, to be applied in repairing such highways as the township or county is bound to repair at the public expense thereof: *And provided always*, That no proceedings shall be commenced under this act until ten days' after notice in writing shall have been given to the president, or some one of the managers of said company, of the place or places where repairs are necessary on said road.

Proviso.

Proviso.

Change location.

SECTION 3. It shall and may be lawful for said company to alter the location of their road in the vicinity of the borough of Prompton, in such manner as shall be necessary to avoid injury from the pool caused by the erection of a dam immediately above said borough; and for this purpose shall have power to enter upon any adjacent land, with the privileges and restrictions contained in the original charter.

Extended to the Easton and Oghquago, and Milford and Owego turnpike road company.

SECTION 4. The provisions of the first and second sections of this supplement, shall be and they are hereby extended to the president, managers and company of the Easton and Oghquago turnpike company, and to the president, managers and company of the Milford and Owego turnpike company.

Repeal.

SECTION 5. So much of the act to which this is a supplement, as is herein altered or supplied, is hereby repealed.

WILLIAM F. PACKER,  
*Speaker of the House of Representatives.*

WM. WILLIAMSON,  
*Speaker of the Senate.*

APPROVED—The tenth day of April, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

## No. 312.

### A FURTHER SUPPLEMENT

To the penal laws of this state.

Time of prosecutions limited.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same*, That from and after the passage of this act, no indictment for misdemeanor, except forgeries and perjuries, shall be commenced or prosecuted in any of the courts of this commonwealth, unless the same shall have been commenced and prosecuted within five years from the time at which the alledged offence shall have been committed: *Provided*, That nothing herein contained shall extend in any way to persons fleeing from justice.

Proviso.

SECTION 2. That the inspectors of the Eastern and Western penitentiaries shall, in addition to the powers and duties already given to them,

have power, and are hereby directed to agree to refer to arbitrators or referees, under and pursuant to the provisions of the voluntary arbitration laws now in force, all disputes which have arisen or may arise between the said prisons, their agents or the inspectors thereof, or either of them, and any person or persons who may have sent or shall send raw materials to them, respectively, for the purpose of being manufactured by the convicts in the said prisons, or either of them; and to take such further proceedings in such references as shall enable a full and fair hearing and investigation of all the accounts, statements and proofs touching the same, and a just and speedy decision of such claims and disputes, by such referees to be mutually chosen by said parties; and the decision of such referees or arbitrators in the premises, to be filed under a rule of court, shall be final and conclusive; and the sum awarded shall be collected and paid to the successful party, as like amounts are, in such cases of reference, by law recoverable; and in case said parties cannot agree upon a third referee or arbitrator, he shall be selected and appointed by the other two referees so to be chosen by the said parties.

Arbitration act  
extended to the  
Eastern and  
Western peniten-  
tiary.

WILLIAM F. PACKER,  
*Speaker of the House of Representatives.*

WM. WILLIAMSON,  
*Speaker of the Senate.*

APPROVED—The tenth day of April, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

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No. 313.

## AN ACT

Relative to the supervisors of Franklin township, Armstrong county, the supervisors of South Lebanon township, Lebanon county, and to extend the boundaries and police power of the borough of Erie.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the supervisors of the highways, in the township of Franklin, in the county of Armstrong, be and they are hereby required to open and keep in repair the streets, lanes and alleys in the village of Worthington, in said township; said streets, lanes and alleys to be opened according to the original plan of said village.

Duties of super-  
visors in Frank-  
lin township,  
Armstrong  
county.

SECTION 2. That from and after the passage of this act, the supervisors of South Lebanon township, in the county of Lebanon, shall severally enter into a bond to the commonwealth, for the use of said township, in double the amount of the duplicate of taxes assessed for any one year for township purposes, with at least one approved security, conditioned for the faithful collecting of the same, and accounting for all moneys received by them, and paying over all balances in their

Supervisors of  
South Lebanon,  
Lebanon county,  
to give security.

hands to their successors in office; which bond, with approved security, shall be given at the next court of quarter sessions of the said county, immediately succeeding their election; and the said court shall approve of the same, and shall have power to allow the accounts of the said supervisors, and compel settlement thereof at least once a year.

Boundaries of  
the borough of  
Erie extended.

SECTION 3. That the boundaries of the borough of Erie, in the county of Erie, be and are hereby extended so as to include, in addition to what is already included within its corporate limits, the territory and inhabitants included and embraced within the following boundaries: Beginning on the east at the north end of Ash lane; thence southwardly along the centre of Ash lane to the south-east corner of out-lot, number two hundred and seventy-three; thence westwardly along the southern line and boundary of out-lots, number two hundred and seventy-three, two hundred and seventy six, two hundred and seventy-seven, two hundred and eighty, two hundred and eighty-one, two hundred and eighty-three, two hundred and eighty-four, two hundred and eighty-five, two hundred and eighty-eight, two hundred and eighty-nine, two hundred and ninety-two, two hundred and ninety-three, two hundred and ninety six and two hundred and ninety-seven, and including said out-lots to Liberty lane; thence northwardly along the centre of Liberty lane and Liberty street to the bay and harbor of Erie; thence westwardly along the shore of the bay and around the head thereof, as far as the shore extends; thence by a direct line across the western opening or channel, to the western extremity or end of the island of Presque Isle; thence around the outside and northern shore of the island to the eastern end or extremity thereof; thence by a direct line across the eastern channel to the shore of the lake, at and near the north-east corner of the sixty acre reservation, called the Garrison ground; thence along the eastern and southern boundary of said reservation to the north end of Ash lane, to the place of beginning; together with all the streets, lanes, public squares and public grounds, included within the limits and territory thus added and annexed; and the jurisdiction of the corporate authorities and other affairs of said borough, is hereby extended to the limits aforesaid; and all persons residing on the territory thus added and annexed, shall be taken and considered as inhabitants of the borough of Erie, entitled to all the privileges of the citizens of said borough, and subject to all the laws and ordinances of said borough; and so much of the territory and population thus added and annexed, as lies east of State lane and State street, and a line corresponding with its extension north to the northern limits of the borough, shall be attached and belong to the East ward; and so much of the territory and population thus added and annexed, as lies west of State lane and State street, and a line corresponding to its extension to the north line of the borough, shall be attached and belong to the West ward.

Powers of bur-  
gess.

SECTION 4. That the burgess of the said borough of Erie, in addition to the powers heretofore conferred by law, shall hereafter, ex officio, have, hold, enjoy and exercise the criminal jurisdiction of a justice of the peace, so far as regards offences, of whatever nature, committed within the said borough, as fully as the same is had, held, enjoyed and exercised by any justice of the peace of this commonwealth, and shall be entitled to demand and receive the same fees, for services rendered in the exercise of his criminal jurisdiction, as are by law allowed to justices of the peace for similar services.

Powers of coun-  
cil.

SECTION 5. That the burgess and town council of the said borough of Erie shall have power, and they are hereby authorized, from time to time, to appoint such number of police constables, being resident citizens of said borough, as in their discretion, they may think neces-

sary to the proper execution of the laws, and the keeping the public peace, and to revoke such appointments at pleasure: all such police constables, so appointed as aforesaid, after having taken and subscribed the same oath which is prescribed for other constables of this commonwealth, shall, during the continuance of their respective appointments, have, hold, enjoy and exercise all the powers and authority of any ward or township constable in this commonwealth, so far as regards criminal offences, of whatever nature, committed within the limits of said borough, and shall be entitled to demand and receive the same fees as are by law allowed to constables of this commonwealth for similar services; and so much of the seventh section of the act April eighth, eighteen hundred and thirty-three, as relates to the recovery of fines or forfeitures, shall be taken and construed as giving jurisdiction to justices of the peace in all suits for the recovery of fines, penalties and forfeitures, under the by laws and ordinances of said borough.

SECTION 6. That the burgess and town council of the said borough of Erie, shall have power and authority to provide and establish a lock-up, or watch house, within said borough, for the detaining and confining of persons arrested by the police officers, until such persons can be taken before the proper authority for examination; but no person shall be detained in such lock-up, or watch house, for a longer period than thirty six hours, except upon the order of the examining magistrate for further hearing.

SECTION 7. The burgess and town council of the said borough of Erie, shall have power and authority to make, ordain and establish such rules, regulations and ordinances, with such penalties for the breach thereof, as they shall deem fitting and proper for the moving of all steamboats and other vessels, canal boats, and all other craft in the harbor of Erie, and for regulating and determining the order and manner in which they shall lay at the wharves to load and unload, and for their removal to make room and accommodate others, for clearing the docks and wharves, and preventing nuisances about the same, and for all other purposes and objects which the health, good order and accommodation of business may require: all which rules and regulations and ordinances shall be made and published, and under and subject to all the conditions and provisions as provided in the ninth section of the act of incorporation, passed eighth April, one thousand eight hundred and thirty-three; all penalties, fines and forfeitures to be sued for and recovered and appropriated, as is provided for other similar cases in the act of incorporation aforesaid.

SECTION 8. The burgess and town council of the said borough of Erie, shall have power and authority, from time to time, to appoint a resident citizen of the said borough to be harbor master, and the same to remove at pleasure; and the said harbor master, so appointed as aforesaid, shall have power and authority to carry into execution, and to compel obedience to all such rules, regulations and ordinances, as the said burgess and town council shall enact, ordain and establish, in pursuance, and by virtue of the authority granted them in the preceding section, or by any previous or subsequent law. If any master of any steamboat, vessel, canal boat or other craft, shall refuse or neglect to comply with the directions of said harbor master, in matters within the jurisdiction of his office, or if any person or persons shall prevent, or obstruct, the said harbor master in the execution of his duties, such master or other person or persons, for each and every such offence, shall severally forfeit and pay a sum not exceeding one hundred dollars, to be sued for, recovered, and appropriated as other fines and forfeitures, as provided in the act of incorporation; said harbor master shall have

authority to appoint one or more deputies to assist him in the execution of the duties of his office.

Power to establish a bill of fees, &c.

SECTION 9. The burgess and town council of the said borough of Erie, shall have power and authority, from time to time, to ordain and establish a bill of fees and charges upon all steamboats, vessels, canal boats, and other craft loading or unloading in the harbor of Erie, which the said harbor master shall be entitled to demand, ask, sue for and recover from any master or owner of such steamboat, vessel, canal boat or other craft as aforesaid, for his services in attending to the duties of his appointment.

WILLIAM F. PACKER,  
*Speaker of the House of Representatives.*

WM. WILLIAMSON,  
*Speaker of the Senate.*

APPROVED—The tenth day of April, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

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No. 314.

## AN ACT

In relation to the sale of certain real estate, and the orphans' courts.

Preamble.

WHEREAS, Nathaniel Newlin, late of the township of Darby, in the county of Delaware, and state of Pennsylvania, deceased, in and by his last will and testament, duly proved in the office for the probate of wills, at Chester, in the county aforesaid, the thirteenth day of October, Anno Domini, one thousand eight hundred and twenty-nine, did, among other things, devise as follows, to wit: "I order and direct, that my executor hereinafter named, shall divide, or cause to be divided, as soon after my decease as conveniently may be done, all that lot or piece of wood land situate in Darby township aforesaid, containing thirty-one acres, one quarter, and twenty-nine perches, being the same which I bought of John Rively, and adjoining on the west of other of my land, into three parts or shares, by straight lines running parallel to, and of the same length of the boundary lines upon the east and west sides of said lot, said lines running south twenty-seven and a-half degrees east one hundred and seven chains, and in such manner that the part or share on the westernmost side of said lot, and next to land now or late of J. Bonsall, may contain eleven acres, one quarter, and twenty-nine perches; and also, that my executors aforesaid do, at the same time, lay out and continue the private road, of twenty feet width, now running along the southern end of the aforesaid lot or piece of twenty-seven acres, one quarter, and sixteen perches, so that the said road may extend and lead into the said part or shares of eleven acres, one quarter, and twenty-nine perches. Item: I give and devise to my nephew, Cyrus Mendenhall, of Lower Chichester, and my friend,

Thomas Smith, esquire, of Darby, the parts and parcels of land mentioned in this item, in trust, as herein declared; that is to say, I give to the said Cyrus Mendenhall and Thomas Smith, esquire, all that part or share of wood land, containing eleven acres, one quarter, and twenty-nine perches, to be laid off as aforesaid, together with the use of the said twenty feet wide road, to be continued as a passage into, out of and from the same; and all that piece of marsh meadow, which I bought of the executors of Isaac Pearson, deceased, situate in the township aforesaid, containing seven acres and one-half, more or less, to have and to hold the premises in this item given and devised to them, the said Cyrus Mendenhall and Thomas Smith, esquire, the survivor, and heirs of the survivor of them, in trust, nevertheless; and to this intent, that they, the said Cyrus Mendenhall and Thomas Smith, esquire, the survivor, or heirs of the survivor of them, do collect and receive the rents, issues and profits arising from said premises, and that they pay over the said rents, issues and profits to my daughter, Esther Smith, wife of Samuel Smith, of Chester, for her separate use and benefit, during the joint life of her and her said husband; her receipt shall be a sufficient discharge for the same; and in case she depart this life before her said husband, then to pay the said rents, issues and profits unto the children of her body, which, from time to time, are surviving, share and share alike; and in case either of the said children die, leaving issue, then to pay to the said issue such share of the said rents, issues and profits as would have been paid to the parent of such issue, if said parent had been living; and in case the said Samuel Smith depart this life before my said daughter Esther, then and in that case my said daughter Esther to have and enjoy the property the same as though no trust had been created, to her heirs and assigns forever; and if my said daughter Esther be not surviving at the death of the said Samuel Smith, but has left children, and the issue of children deceased, or issue of children, then in trust for the right heirs of the said Esther; and in case the said Esther and all her children die without issue, then in trust for my heirs forever:"

*And whereas,* The said Esther Smith and Samuel Smith, her husband, and all the children of the said Esther, to wit; Nathaniel N. Stokes, John Stokes, Mary Stokes, Samuel N. Smith, Martha Smith, and Lydia Chapman and Edward H. Chapman, her husband, having, by their petition, represented to the senate and house of representatives, that the said Thomas Smith, esquire, is now deceased, and that the said tract of land and marsh meadow are almost or quite unproductive; and that it is for the interest of the said Esther Smith, and all the other parties interested, that said premises should be sold, and the purchase money invested at interest; therefore,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the said Cyrus Mendenhall, the surviving trustee, be and he is hereby authorized to grant, bargain and sell, to any person or persons, in fee simple, the said tract of wood land, containing eleven acres, one quarter, and twenty-nine perches, with the use of said twenty feet wide road; and also the same piece of marsh meadow, containing seven and an-half acres, together with the appurtenances thereunto belonging, so as aforesaid devised, in trust, to the said Cyrus Mendenhall and Thomas Smith, esquire; and to make, execute, acknowledge and deliver a good and sufficient deed or deeds to the purchaser or purchasers thereof, in fee simple, altogether discharged from any and every use, trust, contingency, provision or limitation created by the said will, and from any

Surviving trustee authorized to sell and convey real estate of Esther Smith.

obligation, on the part of the purchaser or purchasers, to see to the investment or application, misapplication or non-application of the purchase money, or any part thereof, in any event whatever.

Proceeds to be invested by trustee.

SECTION 2. That the said Cyrus Mendenhall be and he is hereby authorized, empowered and required to take and hold the proceeds of the sale of the said real estate, in trust to and for the same uses and purposes as the said real estate was and is held by him, and to invest, and keep the same invested at interest, secured by mortgage or judgment on good and sufficient real estate security, for the time provided in said will for the continuance of said trust; and the said trustee shall, from time to time, receive the interest on said investments, and the same, as often as by him received, pay over to the person or persons entitled, under the said will, to receive the rents, issues and profits of said real estate: *Provided*, That before this act shall become operative, the said trustees shall give security, to be approved by the orphans' court of Delaware county, for the faithful application of the proceeds of the sale authorized by this act.

Proviso.

Samuel Woodburn authorized to sell real estate of Associate Presbyterian church of Carlisle.

SECTION 3. That Samuel Woodburn, of the county of Cumberland, be and he is hereby authorized and empowered to sell and convey a portion of the lot of ground belonging to the Associate Presbyterian congregation of the borough of Carlisle, in said county, on which the church belonging to said congregation is erected: *Provided*, The said Samuel Woodburn give such security as may be required, for the faithful application of the proceeds arising from such sale.

Escheated estate of Sarah Stamp, vested in Peter Daniel and others.

SECTION 4. That the claim, interest and estate of the commonwealth, in and to the estate of Sarah Stamp, deceased, be and they are hereby vested in Peter Daniel, Jacob Daniel, Samuel Daniel, David Daniel, and Mary E. Daniel, in the same manner, and in such shares as if the estate had descended to them under the intestate laws, together with all the rights and remedies for the recovery thereof, in whosoever hands or possession the same may be found, which the commonwealth of Pennsylvania now hath: *Provided however*, That the said Peter, Jacob, Samuel, David, and Mary E. Daniel, shall pay or secure the payment to the said commonwealth, out of the said estate to be recovered by them, all the costs and expenses to which the commonwealth has been subjected in procuring the escheat of said estate: *And provided also*, That this act shall not be construed to release the collateral inheritance tax.

Proviso.

Proviso.

Executors of Mary Forepaugh, deceased, to give security.

SECTION 5. That before the act, entitled "An Act relating to the estate of Mary Forepaugh, late of the Northern Liberties, in the county of Philadelphia, widow, deceased, shall go into effect, William F. Ireland, and William F. Forepaugh, executors of the estate of said Mary Forepaugh, deceased, shall give security in such sum as may be directed and approved by the orphans' court of Philadelphia county, for the faithful application or re-investment of the proceeds, before making sale of any part of the said real estate, or extinguishing the said ground rents.

Act discharging school directors and treasurers for taking compensation, repealed.

SECTION 6. That the sixth section of the act of the sixteenth day of March, one thousand eight hundred and forty-seven, entitled "An Act to cure a defect in the title to certain real estate, and relative to the real estate of John B. Mish, deceased, and the preservation of liens and for other purposes," be and the same is hereby repealed.

Preamble.

SECTION 7. That whereas, Joseph P. Kennedy, and Elizabeth Kennedy, his wife, of Rush township, Northumberland county, appointed William H. Muench, attorney in fact, to sell their interest in the real estate of Jacob Reed, deceased, who was the father of Mrs. Kennedy; and that in pursuance of the power of attorney thus given, the said



attorney sold the real estate, consisting of several parcels, and the purchasers having all paid more or less, some of them having paid all and taken possession of the lands: *And whereas*, Elizabeth Kennedy afterwards died, before proper deeds had been executed for the lands, without making provision by will or otherwise for the execution of said contract; therefore, authority is hereby given to the said attorney, upon payment of all purchase money, or securing the same according to the terms of contract between said attorney and his principals, to make, execute, acknowledge and deliver to the purchaser or purchasers, sufficient deed or deeds of conveyance for such real estate, in the same form and manner as if said deed or deeds had been made and executed in the lifetime of the said Elizabeth Kennedy; and also to make, execute and deliver to such purchaser or purchasers, any and all other instruments of writing necessary to be executed and delivered in and about the completion and perfecting of such sales, which deed or deeds so executed and delivered, shall be as valid and effectual in passing the estate and interest of such principals, in the real estate therein granted and conveyed, and vest the title in the same to the purchaser or purchasers as fully and completely, as if such deed or deeds had been made, executed and delivered in the lifetime of Elizabeth Kennedy: *Provided*, That before the said attorney shall be at liberty to act under the authority hereby conferred on him, he shall give security in such sum and in such manner as the orphans' court for the said county of Northumberland shall direct, for the faithful execution of the authority hereby conferred on him, and the just application of all such purchase moneys.

Attorney in fact of Joseph P. Kennedy, and Elizabeth, his wife, authorized to execute deeds for sale of real estate.

Proviso.

WILLIAM F. PACKER,  
*Speaker of the House of Representatives.*

WM. WILLIAMSON,  
*Speaker of the Senate.*

APPROVED—The tenth day of April, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

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No. 315.

## A SUPPLEMENT

To an act, entitled “An Act to incorporate the town of Columbia, in the county of Lancaster,” and to secure the payment of taxes in the borough of Harrisburg.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same.* That all taxes, rates and levies, which may be hereafter lawfully imposed or assessed by the town council of the borough of Columbia, in the county of Lancaster, on real estate situate within the said borough, shall be and they are hereby declared to be a lien on the said real estate on which they may hereafter be imposed or assessed, together also with Taxes to be a lien on real estate.

all additions to and charges on the said taxes, rates and levies, which by the provisions of this act are directed to be made; and that the said lien shall have priority to, and shall be fully paid and satisfied before any recognizance, mortgage, judgment, obligation or responsibility which the said real estate may become charged with or liable for from and after the passage this act.

Mode for the collection and recovery of taxes.

SECTION 2. All collectors or agents who have been or who may be empowered or authorized to collect and receive the taxes, rates or levies lawfully assessed or imposed, or that may be hereafter lawfully assessed or imposed by the town council aforesaid, upon any real or personal estate, trades, occupations or callings, or otherwise, shall be and they are hereby authorized and empowered, if the said taxes, rates or levies shall remain in arrear and unpaid three months after a demand made for the same, of or from the person or persons from whom the same are or shall be due and payable, or their agents, known as such to the said collectors or agents, or of or from the persons or person occupying the real estate upon which the same are or have been imposed or assessed, to levy upon any goods, chattels or personal property belonging to the person or persons from whom the said taxes, rates or levies are or shall be due and payable, or upon any goods, chattels or personal property found upon the real estate upon which the same are or may be assessed; and to sell and dispose of the same, after ten days' notice of such sale, in not less than five handbills, whereof one shall be put up on the said real estate, or upon the residence of the person or persons whose property shall be so levied upon, and the others in the most public places near the place where such sale shall be made; and out of the proceeds of such sale, after the expenses attending the same, the said collector or agent shall pay over to the treasurer or other person authorized to receive the same, the amount of such taxes, rates or levies, and the surplus, if any remain, to the owner or owners of the said goods, chattels or personal property; and in case of neglect or refusal to pay over the said surplus within ten days of such sale, if demanded, the collector or agent shall forfeit and pay a sum not exceeding ten per cent. on said surplus, to be recovered, together with the said surplus, as debts of like amount are now by law recoverable, without any stay of execution; and it shall be lawful for any person or persons whose goods, chattels or personal property may be levied upon and sold under the authority of this law for taxes, rates or levies upon real estate occupied by him or them, or who may pay the said taxes, rates or levies, by action of debt or otherwise, to recover the amount so paid, or the value of the goods and chattels levied on and sold, together with all costs and damages against the owner or owners of such real estate; or at his or their election to defalcate the amount thereof in payment of any rent which may due to the owner or owners of such real estate, unless such defalcation or recovery would impair any contract or agreement between them previously made; and if no goods, chattels or personal property belonging to any person or persons from whom said taxes, rates or levies are or shall be due and payable, can be found or discovered by the agents or collectors aforesaid, it shall and may be lawful for the said collectors or agents to recover, by suit or otherwise, in the corporate name of the borough aforesaid, the amount of said taxes, rates or levies, as debts of like amount are now by law recoverable.

Proceedings to file a lien in the court.

SECTION 3. Whenever any taxes, rates or levies which are or hereafter may be lawfully assessed or imposed by the town council of the borough aforesaid, upon any real estate therein, shall remain in arrear and unpaid for the term of one year after the same shall have been

assessed, and no goods, chattels or personal property shall be found thereon sufficient to pay the same, it shall be lawful for the collector or agent authorized to receive the same, to make a statement of such taxes, rates or levies that are or shall be in arrear and unpaid, with a description of the real estate upon which the same are or have been assessed, and of the fact that no goods, chattels or personal property could be found upon the said real estate sufficient to pay the same; which statement, verified by the oath or affirmation of the said collector or agent, before a magistrate having jurisdiction in said borough, it shall be lawful to file in the office of the prothonotary of Lancaster county; and process may be had thereon in the corporate name of the said borough, by scire facias, and judgment and execution shall be had with like effect as in the case of mechanics' claims.

SECTION 4. Whenever it shall be deemed expedient by the town council of the borough aforesaid, it shall be lawful for the same to require the foot-ways of any street, lane, court or alley within the said borough, to be curbed, paved, re-paved or repaired by the owner or owners of the ground fronting on the same, at his or their own cost respectively, at such times and under such directions and regulations as the said town council may from time to time adopt.

Curbing and paving footways.

SECTION 5. If the owner or owners, or person or persons having the charge of any ground fronting on any footway, so as aforesaid required to be curbed, paved, re-paved or repaired, shall refuse or neglect to have the foot-way in front of such ground so paved, curbed, re-paved or repaired, for the space of sixty days after notice of such requisition shall have been served upon the owner or owners, occupier or occupiers of said ground, or in case such owner or owners, occupier or occupiers, cannot be found after notice of such requisition shall have been put up on said ground, it shall and may be lawful for the supervisor of the said borough to pave, curb, repair or re-pave the said foot-ways, and to recover the amount of the expense thereof, and twenty per cent. advance thereon, as a penalty for such refusal or neglect, and the costs of suit by an action in the corporate name of the said borough, before any magistrate, or in any court of the county of Lancaster having jurisdiction of debts of like amount, or to levy the same by distress and sale of the goods, chattels or personal property of the tenant in possession of any such ground, in the same way as is provided for the recovery of taxes in the second section of this act; and the owner or owners of such land shall be liable for the same to the said tenant, in the same manner as is provided in the said section with regard to taxes paid or levied by or from such tenants; and the amount of the expense of curbing, paving, re-paving or repairing any foot-way, together with the penalty of twenty per cent. shall, until the same be paid, be a lien on the ground fronting on such foot-way, in the same manner as taxes are made a lien by the first section of this act; and in case no owner or owners of such ground fronting on such foot-way, so curbed, paved, re-paved or repaired by the supervisor aforesaid, can be found, and no goods, chattels or personal property can be found upon the said ground sufficient to pay the expense of said curbing, paving, re-paving or repairing, then and in that case it shall and may be lawful for the said supervisor to make a statement of the amount of said expense, with the addition of the aforesaid penalty of twenty per cent., with a description of the said ground, and the fact that no owner or owners of the said ground could be found, and that no goods, chattels or personal property could be found thereon sufficient to pay the same; which statement, verified by the oath or affirmation of the said supervisor, before a magistrate having jurisdiction in the said borough, it shall be

Proceedings to enforce the curbing and paving.

lawful to file in the office of the prothonotary of Lancaster county ; and process may be had thereon in the corporate name of the borough aforesaid, by scire facias, and judgment and execution shall be had thereon with like effect as in the case of mechanics' claims.

Powers of council to regulate wharves.

SECTION 6. The town council of the borough aforesaid, shall have, use, exercise and enjoy, the same powers and authorities and liberties, with regard to the licensing and regulation of wharves, or buildings in the nature of wharves, erected or extended, or to be erected or extended into the water of the Susquehanna river, from or opposite any part of the said borough, that are by law vested in the board of wardens of the port of Philadelphia, with regard to such erections or extensions into the rivers Delaware and Schuylkill, with power to recover before any of the magistrates or courts of Lancaster county, similar penalties to those provided in the act, entitled "An Act to establish a board of wardens for the port of Philadelphia, and for the regulation of pilots and pilotages, and for other purposes therein mentioned," passed the twenty-ninth day of March, one thousand eight hundred and three, and the several supplements thereto; and the corporation of the borough aforesaid, is and shall be hereby invested with all and singular the powers and authorities, jurisdictions, rights and immunities, in and to, and over the ends of each and every of the public streets and alleys of said borough, which extend to or into the Susquehanna river, as fully to all intents and purposes, and to the like uses, as by the sixth section of an act, entitled "An Act for the better regulation of the city of Philadelphia and districts adjoining, and preserving the navigation of the river Schuylkill," passed the twenty-fifth day of March, one thousand eight hundred and five, is or are granted to the corporation of the city of Philadelphia, respecting the ends of the streets and alleys which extend to or into the river Schuylkill.

Nuisances.

SECTION 7. When any structure, building, or erection in the borough aforesaid shall, in the opinion of the town council, become or be injurious to the health, or dangerous to the lives or property of the citizens, it shall and may be lawful for the said town council to declare the same a nuisance, and to require it to be removed; and if the owner or occupier of ground upon which such nuisance shall exist, shall refuse or neglect to remove the same within ten days after notice shall have been served upon him or her, or in case no owner or occupier can be found after such notice shall have been affixed to some conspicuous part of the premises, the supervisor of the borough shall proceed to remove the same; and the expense of such removal, with all costs, shall be a lien upon the ground, and the proceedings to recover the same, shall be in all respects as is provided in the fifth section of this act, with regard to pavements.

Taxes in the borough of Harrisburg, to be a lien upon the real estate.

SECTION 8. That all taxes, rates and levies, which may hereafter be lawfully imposed or assessed by the corporate authority of the borough of Harrisburg, on real estate situate in said borough, shall be and they are hereby declared to be a lien on the said real estate on which they may hereafter be imposed or assessed, and the said lien shall have priority to, and shall be fully paid and satisfied before any recognizance, mortgage, judgment, debt, obligation or responsibility, which the said real estate may become charged with, or liable to; from and after the passage of this act, said liens may be entered of record in the court of common pleas of Dauphin county, and to be recovered as other debts are recoverable in said court: *Provided*, That the existence of such lien shall not affect the right of freehold in any real estate otherwise unincumbered.

SECTION 9. That the water rent or water tax now authorized by law to be assessed and levied in said borough of Harrisburg, shall be collected and disposed of in the manner prescribed in the preceding section. Water tax or water rent in said borough, to be a lien on real estate.

WILLIAM F. PACKER,  
*Speaker of the House of Representatives.*

WM. WILLIAMSON,  
*Speaker of the Senate.*

APPROVED—The tenth day of April, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

No. 316.

### AN ACT

For the relief of colonel John Cresswell, Thomas Wallace and Peter Livingston.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the state treasurer be and he is hereby authorized to pay colonel John Cresswell, fourteen dollars and sixty-two and a-half cents, the amount of a bill of Mistress Susan Hampson, for breakfast provided for fifty-eight members of captain Small's company, volunteers, at Huntingdon, on their march to the rendezvous at Pittsburg, twelfth December, one thousand eight hundred and forty-six, and which bill has been paid to Mistress Hampson, by colonel Cresswell. To Peter Livingston twenty-seven dollars, for breakfast furnished one hundred and eight men, captain Scott's company, at the time aforesaid; also to Thomas Wallace, sixty-eight dollars and sixty-eight and three-fourth cents, for breakfast furnished on the eleventh December, one thousand eight hundred and forty-six, to one hundred and sixteen men of captain Danna's company; and on the twelfth of the same month, for breakfast for one hundred and fifty men of captain Moorehead's company, and captain Small's company, and for three and one-half dozen tin cups for captains Hill, Binder and Nagle's companies, at the same time, out of any moneys in the treasury not otherwise appropriated. State treasurer to pay certain claims.

WILLIAM F. PACKER,  
*Speaker of the House of Representatives.*

WM. F. JOHNSTON,  
*Speaker of the Senate.*

APPROVED—The tenth day of April, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

No. 317.

## AN ACT

Authorizing the board of canal commissioners to examine the claim of H. L. Patterson, of Blair county, for work done on the Eastern reservoir, Juniata division, Pennsylvania canal.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the board of canal commissioners be and are hereby authorized to re-examine, settle and adjust the claim of H. L. Patterson, for the construction of the Eastern reservoir on the Juniata division of the Pennsylvania canal, according to equity and justice.

WILLIAM F. PACKER,  
*Speaker of the House of Representatives.*

WM. F. JOHNSTON,  
*Speaker of the Senate.*

APPROVED—The tenth day of April, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

No. 318.

## A FURTHER SUPPLEMENT

To an act to incorporate the North Branch canal company, passed July twenty-second, one thousand eight hundred and forty-two.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the time within which the North Branch canal company are required to commence the work of finishing their canal, be and the same is hereby extended to the first day of January, one thousand eight hundred and forty-nine, and the time for the completion of the same, to the first day of January, eighteen hundred and fifty-two: *Provided however,* That at any time after twenty years from the opening of the said canal, it shall be lawful for the commonwealth, upon the passage of a law by the legislature for that purpose, to resume the said line of canal, and the privileges and franchises heretofore granted, by paying to the said company the amount of money expended by them in finishing and completing the same, together with the money expended for repairs and supervision, with interest thereon, at the rate of eight per cent. per an-

Time extended.

num, from the time the same was expended, deducting from the principal and interest aforesaid, the amount received for tolls, use of water power and all other sources, during the period which the company has possession of said canal: *Provided*, That the report required to be made annually to the legislature, by the fourteenth section of the act to which this is a supplement, shall embrace a detailed statement of the amount expended for construction, repairs and management for the past year, as well as of the rates of toll charged during the same period: *Provided further*, That the rates of toll charged, shall never be less than the rates charged upon the Pennsylvania canal, for the time being: the managers shall have power to fill any vacancy in the board.

Proviso.

Proviso.

Vacancies to be supplied.

WILLIAM F. PACKER,  
*Speaker of the House of Representatives.*

WM. F. JOHNSTON,  
*Speaker of the Senate.*

APPROVED—The tenth day of April, one thousand eight hundred and eighty-eight.

FRS. R. SHUNK.

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No. 319.

## AN ACT

Relative to certain suits pending in the court of common pleas of Blair county, providing for service of process against sheriffs and their sureties, and for other purposes.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That in regard to all undetermined suits, heretofore transferred from the court of common pleas of Bedford and Huntingdon counties, to the court of common pleas of Blair county, on the erection of the said county of Blair, when the plaintiffs therein, or one or more of the defendants therein, reside in Bedford or Huntingdon counties, such suit, or any of them, upon the written agreement and consent of the parties thereto, filed in the court of common pleas of Blair county, shall be re-transferred to the court of common pleas of the county from which the same was or were removed, there to be tried, determined and prosecuted to final judgment and execution, as if the same had never been transferred or removed from such county.

Suits may be re-transferred for trial.

SECTION 2. In all cases of suits against the sheriff, or his sureties, of any county of this commonwealth, when there is no coroner in commission to serve process, it shall be lawful for any constable, in the county where such process has issued, to serve the same, and perform the duties which coroners are authorized to do under the laws of this state.

Service of process against sheriffs and their sureties.

Lewistown and Tuscarora bridge company, authorized to take additional subscriptions of stock.

Abraham Leyde, of Washington county, authorized to collect road tax due him in Nottingham township.

Act reducing the pay of county commissioners, directors of the poor, auditors and election officers, in Washington county, repealed. Borough of Brownsville to erect a lock-up house.

Proviso.

To elect nine councilmen for said borough.

Repeal.

Time for the payment of a claim due the commonwealth by W. F. Pollock, and estate of Henry Frick, deceased, extended.

Commissioners of Crawford county authorized to borrow money.

SECTION 3. That the president and managers of the Lewistown and Tuscarora bridge company, be and they are hereby authorized to take and receive subscriptions of stock to said company, from persons willing to subscribe thereto, any number of shares not exceeding two hundred, in addition to the number of shares authorized to be subscribed by the first section of an act for the incorporation of several bridge companies, passed fourth day of April, eighteen hundred and thirty-eight.

SECTION 4. That Abraham Leyde, of Nottingham township, Washington county, be and he is hereby authorized to collect all outstanding road tax due him as supervisor of roads, in said township, for the year eighteen hundred and forty-four.

SECTION 5. That the act, entitled "An Act to reduce the expenses of the counties of Berks and Washington," approved the twenty-seventh day of February, eighteen hundred and forty-five, be and the same is hereby repealed, so far as it relates to the county of Washington.

SECTION 6. That the burgess and town council of the borough of Brownsville, in the county of Fayette, be and they are hereby authorized and empowered to have built, or otherwise provided and supported, in said borough, at the expense thereof, a suitable building for the security and temporary detention of any person or persons, committed by any justice of the peace of said borough or vicinity, or the burgess of said borough, or any member of the town council acting in his place, for any violation of the laws of this commonwealth, or of the ordinance or ordinances of the borough aforesaid, for which such person could lawfully be committed to the common jail of the county aforesaid, there to remain and be kept until such offender or offenders can be removed to the common jail of said county, if committed for an indictable offence, or until discharged according to law: *Provided*, That no person or persons shall be confined in said lock-up house, at any one time, for a longer period than twenty-four hours, except such person or persons charged with an indictable offence, and it may be necessary to detain him, her or them for a legal examination.

SECTION 7. That at the next borough election, after the passage of this act, it shall be lawful for the citizens of said borough of Brownsville, to elect nine councilmen for said borough, three of whom to serve for one year, three for two years, and three for three years; and every year thereafter, they shall elect three councilmen to serve for three years.

SECTION 8. That so much of any law regulating said borough, as is supplied by this act, or is inconsistent herewith, be and the same is hereby repealed.

SECTION 9. That the time for the payment of the moneys owing by W. F. Pollock and the estate of Henry Frick, deceased, as sureties of Robert Moodie, late collector of canal and bridge tolls at Northumberland, for which the commonwealth of Pennsylvania have a judgment on the docket of the court of common pleas of Northumberland county, is hereby extended from the first day of April, one thousand eight hundred and forty-seven, until the first day of April, one thousand eight hundred and fifty; and that the said Wm. F. Pollock and the estate of Henry Frick, deceased, have the privilege to pay the same in state stock.

SECTION 10. That the commissioners of Crawford county be and they are hereby authorized and empowered to borrow, from time to time, as they may think it advisable and necessary, any sum or sums of money, not exceeding in the aggregate the sum of ten thousand dollars, to aid them in the erection and completion of a new jail for said county; and that they be authorized and empowered to mortgage any of the real



estate of the county, and pledge any portion of the ordinary assessments or revenue thereof, in security for the re-payment of the moneys so borrowed, at such time or times as may be agreed upon, at a rate of interest not exceeding six per cent. per annum.

WILLIAM F. PACKER,  
*Speaker of the House of Representatives.*

WM. WILLIAMSON,  
*Speaker of the Senate.*

APPROVED—The tenth day of April, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

No. 320.

## AN ACT

Authorizing the sale of certain real estate, and relative to the collection of taxes in certain townships in Monroe, Berks and Lancaster counties, and certain school districts in Butler, Franklin, Mifflin, Indiana and Schuylkill counties.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the directors of the common schools of the city of Lancaster, for the time being, or their successors in office, be and they are hereby authorized to sell, at public sale or otherwise, in such lot or lots as shall be deemed advisable, so much of the quarter square of ground in the south-east part of said city, fronting on South Duke and German streets, and now belonging to said board, for common school purposes, as said board may, or shall hereafter by resolution at some regular meeting thereof, determine to sell; and on such sale or sales being made, to execute as good and sufficient title therefor to the purchaser or purchasers of the same, as is now vested in said board; the proceeds of such sale to be invested by said board, as soon thereafter as conveniently may be done, in the purchase of another lot, or lots, in such other quarter or quarters of said city, for the erection thereon of common school houses, as in the opinion of the said board, shall best promote the good and convenience of the youth thereof: *Provided however,* That the signatures of the president, and of a majority of the members of said board, who shall then be in office, to the deed or deeds given to the purchaser or purchasers of said lot or lots, and affixing thereto of the seal of said board by the secretary thereof, shall be conclusive evidence of the assent of said board to said sale: *And provided further,* That the purchaser or purchasers of said lot or lots shall, in no case, be held answerable for the due application of the purchase money thereof to the purposes hereinbefore designated, after the payment thereof to said board.

School directors  
of Lancaster  
city, authorized  
to sell real estate.

Proviso.

Proviso.

**Collection of state and county taxes in certain townships, Berks county, to be given to the lowest bidder.**

**Proviso.**

**SECTION 2.** That from and after the next assessment of taxes, the collection of state and county taxes in the townships of Oley, Maiden Creek, Amity and Douglass, Berks county, shall be given to the lowest bidder for the same; proposals to be presented to the commissioners of said county, at least three weeks prior to the giving out of said collection of taxes; and the difference between the compensation now allowed by law for the collection of such taxes, and the bids obtained under the provisions of this act, shall be paid into the common school fund, for the purposes of education in said townships: *Provided*, That the said collectors shall, severally, give good and sufficient security to the said commissioners, for the true performance of their duty in the collection of said taxes.

**School directors of the borough of Tamaqua, authorized to borrow money.**

**SECTION 3.** That the directors of common schools of the borough of Tamaqua, in the county of Schuylkill, are hereby authorized to borrow a sum of money, not exceeding fifteen hundred dollars, for the purpose of completing a school house for the common schools in said borough of Tamaqua; and the board of directors may give good security, upon the real estate belonging to the common school of said borough.

**Part of White township attached to the borough of Indiana, for school purposes.**

**SECTION 4.** That the property of Jacob Garman and William Boucher, John Lucas, Benjamin Garman and Israel Repin, situated adjacent to the borough of Indiana, in White township, in the county of Indiana, be and the same are hereby annexed to the said borough of Indiana for school purposes; and that hereafter the school directors of said borough, shall have authority to levy and collect all school taxes that may be assessed on the aforesaid property.

**Special act relating to certain school district, Franklin county, repealed.**

**SECTION 5.** That the second section of an act, entitled "Resolutions relative to Berlin borough school district, Somerset county, and Antrim school district, in Franklin county," passed the eighth day of March, one thousand eight hundred and forty-seven, be and the same is hereby repealed.

**Common schools in Peters, St. Thomas and Antrim townships, Franklin county, regulated.**

**SECTION 6.** That the provisions of an act for the better regulation of the common school system, so far as relates to Ephrata township school district, in the county of Lancaster, approved the thirteenth day of March, one thousand eight hundred and forty-seven, be and the same are hereby extended to the school districts of Peters, St. Thomas and Antrim townships, in the county of Franklin.

**Collection of taxes in East and West Lampeter and Leacock townships, Lancaster county, to be given to the lowest bidder.**

**SECTION 7.** That the assessors of the townships of East Lampeter, West Lampeter and Leacock, in the county of Lancaster, be and they are hereby authorized and required, on a day and place certain to be fixed by them respectively, before the time which may be fixed in any year by the county commissioners, for the appeal of said townships, of which at least fifteen days' public notice, by at least six hand-bills put up in as many of the most public places in said township, shall be given to receive proposals from citizens of their respective townships, each stating the amount for which the proponent is willing to perform the duties of the office of collector of taxes for said townships respectively; and thereupon it shall be the duty of the said assessors, at such time as is now fixed by law, to return the person offering to perform said duties for the lowest sum, to the commissioners of said county, and he shall be appointed by them to be the collector of taxes for said townships respectively; and when more than one proponent are equally the lowest, the assessors shall return all such as are lowest as aforesaid, and the said commissioners shall appoint any one of such lowest proponents, who shall be collector as aforesaid; and such collectors shall perform the duties of their office, for no other or greater fee than the sum which was by them proposed: *Provided*, The said collectors shall give such security as shall be approved of by said commissioners; and the

**Duties of assessors and county commissioners.**

**Proviso.**

amount constituting the difference between the amount of collectors' fees now authorized by law, and the fees due the collectors under the contract entered into by virtue of this act, shall be paid to the respective district treasurers of the school fund, to be applied to common school purposes for said township.

SECTION 8. That hereafter the school directors of the Lewistown school district, in the county of Mifflin, be required to admit the children of James Parker and Nathan Fear into the public schools of said borough; and that the school directors of the borough of M'Veytown, in said county, be required to admit the children of John Ross, of Oliver township, into the public schools of said district.

Lewistown school district to include the children of Parker and Fear.

M'Veytown school district to admit the children of John Ross.

SECTION 9. That all and singular the real estate, in the borough of Easton, lately belonging to the trustees of the Union academy, of said borough, the charter whereof has become forfeited, and all the right, title and property of said trustees in the same, as also all the estate, right, title and interest and property of the corporation of the borough of Easton, in which, for certain specified purposes and trusts, the same has been heretofore vested by an act of assembly, to which this is a supplement, together with all rents and sums of money due and owing by any person, for ground rent or occupancy of said premises, shall be and are hereby vested in the school directors of the borough of Easton, and their successors in office, in fee simple, so far as the state has power to vest the same. The school directors of said borough shall hold the same, in trust, for maintaining and supporting the common schools of said borough; and may let out the same, or any part thereof, on ground rent, and apply the rents, issues and profits received, to the said purpose; or they may purchase or erect buildings thereon, suitable for the keeping of common schools therein.

Certain real estate in the borough of Easton, vested in the school directors of said borough.

SECTION 10. That it shall and may be lawful for William Waltman, of Lycoming county, trustee of Elizabeth Bergestock, to sell and convey by deed, unto Jacob Bergestock, husband of the said Elizabeth, all the right and title vested in the said William, as trustee aforesaid, in and to ten acres of land, more or less, situate in Clinton township, Lycoming county.

William Waltman, trustee of Elizabeth Bergestock, authorized to convey real estate.

SECTION 11. That the superintendent of common schools of this commonwealth, be and he is hereby authorized and directed to draw his warrant on the state treasurer, in favor of the treasurer of the school district of Donegal township, Butler county, for the amount of state appropriation to which said school district was entitled for the school year ending on the first day of June, A. D., one thousand eight hundred and forty-seven: *Provided*, That the state appropriation to said district, for said year, shall not have been paid heretofore to the township of Fairview.

Superintendent of common schools to draw warrant in favor of Donegal township district, Butler county, for amount of appropriation.

SECTION 12. That hereafter, in all cases of the division of any township or townships, or the erection of any new township or townships in the county of Monroe, it shall be the duty of the county treasurer, and he is hereby authorized and required to pay over to the supervisors and school directors of such new township or townships, all road and school taxes that may have been assessed and collected on unseated lands situate and lying within the bounds of said new township or townships, when legally demanded by orders drawn by the commissioners of said county upon the county treasurer: *Provided*, That all debts due the county from any township so divided, or the erection of any new township previous to such division or erection of a new township or townships, shall be first paid out of the proceeds of such road and school taxes; the balance of said taxes remaining in the hands of the county treasurer, shall be divided pro rata, according to the tax so levied

School and road taxes on unseated lands in new townships in Monroe county, to be paid over by county treasurer.

Proviso.

and collected on the lands situate and lying within the territory of such new township or townships divided or erected as aforesaid.

WILLIAM F. PACKER,  
*Speaker of the House of Representatives.*

WM. WILLIAMSON,  
*Speaker of the Senate.*

APPROVED—The tenth day of April, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

No. 321.

## AN ACT

To incorporate the Lewisburg cemetery association, in Union county.

Preamble.

WHEREAS, The persons hereinafter named, have agreed to purchase a piece of ground in the vicinity of Lewisburg, in the county of Union, containing no less than five acres, for the purpose of converting the same into a cemetery; and they are desirous that they and their successors may be incorporated, for the purpose of establishing and perpetuating such cemetery:

*And whereas,* It seems reasonable and necessary to provide for the permanency of such an establishment, so that the graves may not be violated, the shrubbery and improvements injured, or the burial lots containing the bodies of deceased friends and relatives, levied upon and sold for debts; therefore,

Incorporators.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That Thomas Hayes, George F. Miller, Samuel Wolf, James P. Ross, James Moore, junior, Solomon Ritter, Levi B. Christ, John Chamberlin, Henry R. Noll, doctor William Hayes, Levi Sterner, Hugh P. Sheller, William Wilson, Stephen S. Lyndel, Peter Nevins, Flavel Clingan, John Gundy and Jacob Gundy, and their successors, be and are hereby created a body politic and corporate in law, by the name and style of the "Lewisburg cemetery association of Union county;" and by that name shall have perpetual succession, and be able to sue and be sued in any court of law or equity, and may have and use a common seal, and the same, at their pleasure, to alter or renew; and shall have power to purchase, have, hold and enjoy, to them and their successors, a piece of land not less than five acres; to have, hold and enjoy, to them and their successors, such piece of land, with such other real estate as they may require, for the purpose of establishing said cemetery: *Provided,* That the whole quantity of real estate to be held by them as a corporation, shall not exceed twenty acres; and the said corporation shall have authority to receive gifts or bequests, for the purpose of ornamenting or improving said cemetery, and to hold such

Name.

Privileges.

Proviso.

personal property as may be necessary to carry out the object of this act.

SECTION 2. That the affairs of said corporation shall be conducted by a president and seven managers, who shall be elected by a majority of the votes of the members of the corporation, polled on the first Monday of June, in each year, at such place as may be agreed upon by the majority of the corporators or managers; at least ten days' notice of such election, to be given by three written or printed handbills, or by publication in a newspaper printed in Lewisburg; and in case such election should be neglected, then the officers of the preceding year shall continue in office until an election shall be held. The said president and managers shall fill all vacancies which may occur in their own body, a majority of which shall constitute a quorum for the transaction of business; and shall have power to lay out and ornament the ground, purchased for said cemetery, into lots or sub-divisions, as they shall deem expedient, and to plant and embellish the same with trees, shrubbery, flowers, walks and other ornaments; to erect such buildings thereon as may be necessary for the enjoyment of the same; to appoint all necessary officers, and fix their several duties and compensation, and to make such by-laws, rules and regulations as they may deem proper, for conducting the affairs of the corporation, for the government of the lot-holders and the visitors to the cemetery, and for the price and transfer of lots: *Provided*, That until an election takes place for a president and managers, the said corporators shall act as a board of managers, and elect one of their number as president; seven of whom shall constitute a quorum, and shall be invested with all the authority as a president and managers duly elected, as hereinbefore provided.

Annual election of officers.

Vacancies to be supplied.

Powers.

Proviso.

SECTION 3. That every lot conveyed in said cemetery, shall be held by the proprietor, and his heirs, for the purpose of sepulture alone, transferable with the consent of the president and a majority of the managers; deeds for lots to be executed by the president, under his hand and seal, and shall not be subject to attachment or execution; and that the said cemetery shall hereafter be forever exempt from taxation, except state tax.

Estate held by proprietors.

Exempt from taxation.

SECTION 4. That no streets or roads shall hereafter be opened through the lands of said corporation, except by and with the consent of the said president and managers; and that any person who shall wilfully destroy, mutilate, deface, injure or remove any tomb, monument, grave stone or other structure placed in the cemetery aforesaid, or any fence, railing or other work for the protection or ornament of said cemetery, or of any tomb, monument, grave stone or other structure placed therein as aforesaid; or shall wilfully destroy, cut, break or remove any tree, shrub or plant within the limits of said cemetery, or shall shoot or discharge any gun, or other fire arms, within said limits, shall be deemed guilty of a misdemeanor; and shall, upon conviction thereof before any justice of the peace of the commonwealth, be punished by a fine, at the discretion of the justice, according to the aggravation of the offence, of not less than one, nor more than one hundred dollars; or shall, on conviction thereof in the court of quarter sessions of the county of Union, be punished by fine as aforesaid, and by imprisonment, according to the aggravation of the offence, at the discretion of the court.

No streets or roads to be opened through said cemetery.

Injuries, how punished.

SECTION 5. If any person shall open any grave or tomb in said cemetery, and clandestinely remove, or attempt to remove, any body or remains therefrom, such person, on conviction thereof, shall be sentenced to undergo an imprisonment in the county jail for not less than twelve months, and pay a fine not less than two, nor more than five hundred dollars; and on conviction of a second like offence shall,

Clandestine removal of bodies punished by imprisonment.

instead of imprisonment in the county jail, undergo an imprisonment in the penitentiary for a period not less than six months.

When lot-holders shall become members.

SECTION 6. That as soon as the money received from the sale of lots, in said cemetery, shall be sufficient to pay the purchase money expended by the persons hereby incorporated, with interest, and the expenses that shall have been incurred by them in laying out, enclosing and improving the grounds, and other expenses respecting the said cemetery, then each lot-holder shall become a member of the corporation, and have a right to vote for the officers thereof; and at all elections held thereafter, under this act, each member of the corporation shall be entitled to one vote, and no more: *Provided*, That all the money raised thereafter from the sale of lots, shall be expended in improving, repairing and maintaining said cemetery.

Proviso.

Part to be used as a public burying ground.

Proviso.

SECTION 7. That at least one-eighth of the ground purchased for the cemetery aforesaid, shall be appropriated by the managers for a public burying ground: *Provided*, That where persons are of sufficient ability to pay, and are desirous of burying on the ground appropriated by this section, they shall be charged by the managers such price as they may deem just and reasonable.

On failure of election, former board to act.

SECTION 8. That a failure to hold an election for president and managers as aforesaid, shall in no way impair this act of incorporation; but in such case, the concerns of said cemetery shall be managed as provided by the second section of this act.

WILLIAM F. PACKER,  
*Speaker of the House of Representatives.*

WM. F. JOHNSTON,  
*Speaker of the Senate.*

APPROVED—The tenth day of April, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

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No. 322.

## AN ACT

Extending the chancery powers of, and to the jurisdiction and proceedings in, certain courts.

Chancery powers granted to common pleas and district court of Lancaster.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the court of common pleas of the city and county of Lancaster, and county of York, shall have the jurisdiction and powers of a court of chancery within the said city and county, so far as the same are by existing laws vested in and exercised by the supreme court, sitting in banc in the city of Philadelphia, and by the court of common pleas of the city and county of Philadelphia, and under the like regulations and restrictions as are prescribed by law for the said courts; and in all cases

an appeal may be taken to the supreme court for the middle district, from the final decrees of the said courts in suits in equity, on the same terms and conditions as are provided in cases of appeal from the decrees of the court of common pleas of the city and county of Philadelphia.

SECTION 2. That a certain action of partition between Thomas M. Smith, plaintiff, and Samuel N. Richards and others, defendants, commenced in the court of common pleas of the county of Northampton, as of November term, one thousand eight hundred and forty-three, in respect of lands then lying in the county of Northampton, now in the county of Carbon, and which has been proceeded in to judgment quod partitio fiat, may be carried out and finally completed, as fully and effectually in all respects as though the said county of Carbon had not been erected; and all the usual and necessary process for the partition or sale of said lands, or for the completion of said proceedings, may be issued by the said court of common pleas; and the sheriff of the county of Northampton is hereby authorized to go into the county of Carbon, to serve and execute all such process, as fully and effectually as he might do in the county of Northampton; and any title which may be obtained to said lands by any allotment of the court of common pleas of Northampton county, or any sale under their authority, shall not be impeached, invalidated or affected by reason of the said lands being situate in the county of Carbon.

Thomas M. Smith vs. Samuel N. Richards, et al., venue changed from Northampton to Carbon county.

SECTION 3. That all sureties, mainpernors and bail, in criminal cases, whether bound in recognizance for a particular matter, or for all charges whatsoever, shall be entitled to have a bail-piece, duly certified by the proper officer or person before whom or in whose office the recognizance of such surety, mainpernors or bail shall be or remain, and upon such bail-piece, by themselves or their agents, to arrest and detain and surrender their principals, with the like effect as in cases of bail in civil actions; and such bail-piece shall be a sufficient warrant or authority for the proper sheriff or jailer to receive the said principal, and have him forthcoming, to answer the matter or matters alledged against him: *Provided*, That nothing herein contained shall prevent the person thus arrested and detained from giving new bail or sureties for his appearance, who shall have the same right of surrender hereinbefore provided.

Bail in criminal cases entitled to a bail-piece.

Proviso.

SECTION 4. The supreme court and the court of common pleas in the city and county of Philadelphia shall have the same jurisdiction and power in all suits now pending, or hereafter to be brought, for the discovery of facts, that are now possessed by courts of chancery.

Chancery powers of supreme and court of common pleas of Philadelphia.

SECTION 5. The district courts of the counties of Philadelphia, Lancaster and Allegheny, shall have jurisdiction of all joint claims against two or more buildings owned by the same person or persons, now filed, or that may be filed in said respective counties, in accordance with the provisions of an act, entitled "An Act relating to the liens of mechanics and others, upon buildings," passed June sixteenth, one thousand eight hundred and thirty-six, wherein such mechanics and others claim a sum equal to that of which said courts have respectively jurisdiction, according to several acts heretofore passed, constituting and regulating them, notwithstanding the several apportioned claims therein be less than the sum of which said courts have jurisdiction as aforesaid: *Provided*, That nothing herein contained shall prevent or impair the issuing and executing of separate writs of execution as heretofore, against all or any of such several apportionments.

District courts of Philadelphia, Lancaster and Allegheny, to have jurisdiction in cases of mechanics' lien.

Effect of judgment, execution and sale of property.

SECTION 6. Every judgment heretofore obtained in any of said courts, upon any apportioned claim filed in accordance with the above section,



and those to which such section is a supplement, in cases where the amount of such judgment is less than that of which such court has usual jurisdiction, and all writs of execution thereon had, shall be deemed good and valid; and any person or persons purchasing at any sale held in pursuance thereof, such property taken in execution, shall be and hereby is or are declared to have as full and indisputable title to such property so purchased, as he or they would have if the judgment on which execution and sale was had, had amounted to the sum of which such court has usual jurisdiction.

Mutual fire insurance company of Erie county, part of act repealed.

SECTION 7. That so much of the seventh section of the act of the twenty-sixth March, one thousand eight hundred and thirty-nine, entitled "An Act incorporating the Mutual fire insurance company of Erie county," as requires the prothonotary of Erie county to "enter without tax or fee upon his judgment docket," the names of individuals and memorandum of property insured by the Mutual insurance company, of the said county of Erie, be and the same is hereby repealed.

Writs of error on feigned issues in orphans' court, allowed.

SECTION 8. That in all cases where a feigned issue has been or hereafter may be directed by the orphans' court, a writ of error shall be in the same manner as in cases where feigned issues are directed by the court of common pleas, and shall embrace all causes now pending on writ of error, in the supreme court or otherwise.

Preamble.

Proceedings to ascertain the title to personal property taken in execution in Philadelphia city and county, and Luzerne county.

SECTION 9. WHEREAS, difficulties often arise in the execution of process against goods and chattels issued by or under the authority of the courts in the city and county of Philadelphia, and the county of Luzerne, by reason of claims made to such goods and chattels, by persons not being the parties against whom such process has issued, whereby sheriffs and other officers are exposed to the hazard and expense of actions; and it is reasonable to afford relief and protection in such cases to such sheriffs and other officers; therefore, when any such claim has been or shall be made to any goods or chattels taken, or entitled to be taken in execution under any such process, or to the proceeds of the value thereof, it shall and may be lawful to and for said courts from which such process issued, upon application of such sheriff or other officer, made before or after the return of such process, and as well before as after any action brought against such sheriff or other officer, to call before them by rule of said court, as well the party issuing such process, as the party making such claim, and thereupon to exercise for the adjustment of such claim, and the relief and protection of the sheriff or other officer, all the powers and authorities necessary, and make such rules and decisions as shall appear to be just, under the circumstances of the case; and the costs of all such proceedings shall be in the discretion of the court: *Provided*, It shall be lawful for the court to direct an issue for the trial of questions of fact, whenever the circumstances of the case require it.

Proviso.

Defects in sheriffs' deeds in Allegheny county, remedied.

SECTION 10. That no grant, bargain, sale or deed of conveyance, of any lands, tenements or hereditaments whatsoever, heretofore made and executed by the sheriff of Allegheny county, upon any judicial proceeding, out of any of the courts of said county, to any bona fide purchaser, and acknowledged in open court, shall be deemed, held or adjudged invalid or defective, or insufficient in law, by reason of any informality in setting forth the particulars of such acknowledgment, or by reason of any omission of the proper prothonotary duly to certify the same according to law; but all and every such grant, bargain, sale or deed of conveyance, as heretofore defectively acknowledged and certified, shall be good and valid, and effectual in law to transfer the interest of



the defendant in such process of, in and to such lands, tenements or hereditaments so sold.

WILLIAM F. PACKER,  
*Speaker of the House of Representatives.*

WM. F. JOHNSTON,  
*Speaker of the Senate.*

APPROVED—The tenth day of April, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

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No. 323.

A N A C T

To annul the marriage contract between Amelia S. Brisben and James C. Brisben.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the marriage contract entered into between Amelia S. Brisben and James C. Brisben, be and the same is hereby annulled and made void, and the parties released and discharged from said contract, and from all duties and obligations arising therefrom, as fully, effectually and absolutely, as if they had never been joined in marriage.

WILLIAM F. PACKER,  
*Speaker of the House of Representatives.*

WM. WILLIAMSON,  
*Speaker of the Senate.*

APPROVED—The tenth day of April, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

No. 324.

## AN ACT

To vacate part of a certain road in York county, and relative to the Lycoming and Tioga plank road company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* that part of a certain road situate in York township, in the county of York, being by prescription, and not coming within the act of assembly of thirteenth June, one thousand eight hundred and thirty-six, authorizing the courts to change and vacate the whole, or any part thereof, be and the same is hereby vacated, so far as the said road extends through the land of John Gotwalt, in said township, beginning at the line of lands of said Gotwalt and Henry Peters, and extending westerly through the land of said Gotwalt, to the public road leading to the borough of York.

Act incorporating  
the Lycoming  
and Tioga plank  
road company,  
amended.

SECTION 2. That so much of the eleventh section of the act, passed the sixth day of March, one thousand eight hundred and forty-seven, entitled "An Act to incorporate the Lycoming and Tioga plank road company," as is contained in the words following, viz: *And provided further,* That the track of said road shall be constructed of timber and plank, the surface thereof shall be smooth and even, and the carriage-way shall be at least eighteen feet wide, be and the same is hereby amended, so as to read as follows: *And provided further,* That the track of said road shall be constructed of timber and plank, the surface thereof shall be smooth, and at least nine feet wide, and that said company may, at any time thereafter, increase the width of said track, or lay an additional track, adjoining the original track, of the width of nine feet.

WILLIAM F. PACKER,  
*Speaker of the House of Representatives.*

WM. F. JOHNSTON,  
*Speaker of the Senate.*

APPROVED—The tenth day of April, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

No. 325.

## A N A C T

To incorporate the village of Friendsville, into a borough.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That so much of the townships of Choconut, Apalachian and Middletown, in the county of Susquehanna, as is included within the following limits, to wit:—Beginning at a stake and stones on the lands of Joshua Gurney, in the township of Middletown; thence south thirty-seven degrees west three hundred and twenty rods across lands of the said Gurney, and those of William Carlon, deceased, to a stake and stones; thence north fifty-three degrees west four hundred and eighty rods to a stake and stones on lands of Canfield Dayton, in the township of Apalachian; thence north thirty-seven degrees east three hundred and twenty rods to a stake and stones on lands of the estate of James Peronnet, deceased; thence south fifty-three degrees east four hundred and eighty rods across the corner of Choconut to the place of beginning, be and the same is hereby incorporated into a borough, which shall be called and styled the borough of Friendsville. Boundaries.

SECTION 2. That the inhabitants of said borough entitled to vote for members of the general assembly, having resided therein ten days immediately preceding the election, shall, on the third Friday of April next, and annually thereafter on the third Friday of February, which now is, or hereafter may be fixed by law for the election of constables and other township officers within this commonwealth, meet at the school house in said borough, and then and there, between the hours of one and seven o'clock, P. M., elect, by ballot, one of the citizens who shall be styled burgess of said borough, and four other citizens to be styled the town council, and one street commissioner, all of whom shall be residents of said borough; which election shall be, in all respects, conducted as is provided by law for the election of township officers within this commonwealth, and shall be subject to the same penalties for mal-practices, except that the certificates of the election of burgess, town council and other borough officers, shall be filed among the records of the corporation, and duplicate certificates of said election shall be signed by the judges, one of which shall be transmitted to each of the persons elected: *And provided,* That in case of death, resignation, removal or refusal to accept of any of said offices, the vacancies may be supplied by a new election, in all cases when, by existing laws, there is not provision made for supplying vacancies by appointment: *And provided further,* That the first election to be held under this act, it shall be the duty of William Robbe to give notice, and to perform all the duties enjoined upon constables, by the existing laws, relative to township elections; and in case no election shall be held on the first day mentioned, they shall appoint some other day, and perform said services; but previous to opening such election, such citizens entitled to vote as aforesaid, as may be present at the time and place of opening the same, shall choose one judge, two inspectors, and two clerks thereof, who shall be sworn or affirmed, in the same manner as is Name.  
Elections.  
Officers.  
Proviso.  
Proviso.  
First election.

provided by law for swearing or affirming election officers, and they shall perform the duties required of them by law, relative to township elections.

**Rights of burgess.** SECTION 3. That the burgess shall be president of the council, and shall have and exercise all the rights and privileges of a member thereof in every respect.

**Meeting of council.** SECTION 4. That the burgess and town council shall meet on the first Monday next succeeding their election in each year, and as often thereafter as occasion may require ; three members shall constitute a quorum to do business, and the proceedings of a majority of a quorum, when there is one formed, shall be valid ; they shall have power, in the absence of the burgess, to elect a president pro tem., who shall, in the case of death, resignation, refusal to accept or to act, or inability of the burgess to attend, perform all and every duty enjoined on the burgess ; or in his absence, the president pro tem. shall have power to call special meetings of the council ; but in all cases of special meetings, personal notice shall be given to each member, unless absent from the borough. The burgess and members of the town council shall, in all cases, continue to hold their respective offices until their successors shall be duly elected and qualified.

**Duties.** SECTION 5. That if any person duly elected burgess or member of the town council, and having received notice thereof, as directed by this act, shall refuse or neglect to take upon himself the execution of the office to which he shall have been elected, or having taken upon himself such duties, shall neglect to discharge the same according to law, every such person so refusing or neglecting, shall, for every such offence, pay and forfeit the sum of five dollars ; and every other officer elected or appointed by virtue of this act, or by the by-laws or ordinances of the town council aforesaid, who shall refuse or neglect to take upon himself the execution of such office, or having accepted the same, shall refuse or neglect to perform the duties thereof, shall, for every such refusal or neglect, pay a fine not exceeding five dollars, at the discretion of the burgess ; which fines, and all other fines that may be incurred under this act, or any of the by-laws or ordinances of the town council, shall be for the use of said corporation, and shall be recovered in the name of the burgess and town council of the borough of Friendsville, as debts of like amount are recoverable by law : *Provided*, That no person or persons shall be compelled to serve more than one year in any term of three, and the payment of a fine shall be equivalent to a service of one year in any office : *And provided further*, That nothing herein contained shall be construed to exonerate any constable or other officer from the payment of any fine or penalty imposed by the existing laws, or that may hereafter be enacted, for refusing to serve in such office.

**Penalty for neglect or refusal to serve.** SECTION 6. The burgess shall take and subscribe an oath or affirmation, before one of the judges of the court of common pleas, or a justice of the peace of the said county of Susquehanna, to support the constitution of the United States, and of the state of Pennsylvania, and execute the office of burgess of Friendsville with fidelity ; and when so qualified, he shall administer an oath to each of the members of the town council, high constable, town clerk, clerk of the market, if one shall be appointed, and such other officers as shall be appointed or elected under this act, or any by-law or ordinance of said borough, before they shall enter upon the duties of their respective offices ; which oath or affirmation, so taken and subscribed, shall be filed among the records of the corporation.

**Proviso.**

**Oaths of office.**

SECTION 7. That from and after the third Friday in March next, the burgess and town council, duly elected, and their successors, shall be one body politic and corporate, by the name and style of "The burgess and town council of the borough of Friendsville;" and shall have perpetual succession, and shall be capable in law to have, receive, hold and possess goods and chattels, lands and tenements, rents, liberties, jurisdictions, franchises, hereditaments, to them and their successors, in fee simple or otherwise, not exceeding the yearly value of two thousand dollars; and also to grant, sell, let and assign the same; and shall be capable in law to sue and be sued, plead and be impleaded in any of the courts of law in this commonwealth, in all manner of actions whatever; and to have and use one common seal, and the same from time to time, at their will, to change and alter. Style. Privileges.

SECTION 8. That the town council shall have power to pass and enact such by-laws, rules, regulations and ordinances as they may deem necessary to promote the peace and good order and general welfare of the inhabitants, and well being of said borough, and for the purpose of improving and keeping in good order the side walks, streets, lanes, alleys, common grounds, or other property whatsoever, that has heretofore been granted to the use of the citizens of Friendsville, or that may hereafter be granted to the corporation, and for removing nuisances and obstructions therefrom; and the same to alter, make, renew or annul, as the occasion may require; and also assess, levy and collect and appropriate such taxes as shall be necessary to carry their rules and ordinances into effect; which said taxes shall not exceed, in any one year, three mills on the dollar, except by consent of two-thirds of the taxables of the borough, to be certified, under their hands, to the town council for that purpose. They shall have authority to obtain materials for improving the streets, lanes, alleys and public grounds, and order and direct the manner and ways in which the same shall be improved, repaired and kept in good order. They shall annually appoint a town clerk, treasurer, collector of taxes, clerk of the market, when necessary, and such other officers as they may deem expedient, and the same to remove at pleasure. The officers to be appointed by the town council shall be allowed such compensation as the council may fix and agree; but the members of the council themselves shall not receive any compensation for their services as members of the council. The council may remit any fines or penalties that may be incurred by and under this act, or any of the by-laws or ordinances, when, in their judgment, it may be proper so to do: *Provided*, No by-law, rule, regulation or ordinance shall be repugnant to the constitution and laws of the United States, or of this commonwealth; and that no person shall be subject to any fine or punishment for a violation of any by-law or ordinance of said borough, until after six days shall have expired after the promulgation thereof, by at least four copies of the same being put up at the most public places within the said borough, and signed by the president or president pro tem., and attested by the town clerk. It shall be the duty of the burgess to cause all the by-laws and ordinances of the council to be carried into effect, and to do and perform all such other services as may be enjoined on him by the same. Powers and duties of town council. Proviso.

SECTION 9. That it shall be the duty of the burgess to issue his warrant to the collector, as often as occasion may require, commanding him to collect the taxes assessed by the town council, a list or duplicate of which shall be made out and delivered to said collector, and to pay the same to the treasurer; and the collector shall have the same power and authority in the collection of said taxes, as the collectors of county rates and levies; and may be proceeded against in the same manner Burgess to issue his warrant for the collection of taxes.

Proviso.

that the county treasurer or county commissioners are authorized by law to proceed against the collectors of county taxes, when they neglect to collect or pay over the amount of their duplicates, according to law : *Provided*, That the town council may hold appeals, hear any complaint in relation to the assessment of the said taxes, and grant relief as may seem best at any time ; and also exonerate the collector from the payment of any taxes that may be impracticable to collect ; and in all cases of any tax assessed upon any vacant or unseated land in said borough, and the taxes remain unpaid, it shall be lawful for the collector to certify the same to the commissioners of Susquehanna county, in the same manner as the supervisors of the roads are authorized by law to return road taxes on unseated lands ; and the county treasurer shall, in like manner, collect the said taxes, or sell and convey the lot or lots for the payment of the same, and pay the money into the treasury of the borough, or to whomsoever it may belong.

Duty of clerk.

SECTION 10. That it shall be the duty of the town clerk to attend to all meetings of the town council, when assembled on business of the corporation, and perform the duty of clerk thereto, and keep and preserve the corporate seal and records of the corporation, and be answerable for the same, and also for the faithful discharge of all the duties that may devolve upon him by this act, or of the acts of the incorporation ; he shall keep a fair journal of the proceedings of the town council, in a book to be provided for that purpose, and shall enter all by-laws and ordinances adopted by the town council, in a separate book for that purpose, and when signed by the president shall attest the same ; he shall certify copies under the seal of the corporation, which copies of any book, paper, by-laws, ordinance or proceeding of the council, when so certified and attested by the clerk, shall be good evidence of the thing certified ; he shall deliver over to his successor the seal and all the books, papers and other things belonging to the corporation, and upon neglect or refusal to do so, upon demand made, he shall forfeit and pay a fine of not less than fifty dollars, and be accountable for all damages sustained by the corporation, to be recovered as like debts and damages are by law recoverable.

Duty of treasurer.

SECTION 11. That it shall be the duty of the treasurer to receive moneys due to the corporation, whether for taxes, fines, donations, or in any other way, and to pay out of the same on orders of the president, or president pro tem ; he shall keep fair accounts of his receipts and payments, and settle his accounts with the town council whenever they shall require the same to be done, and pay over all moneys or balances found in his hands, and deliver to his successor in office all books, papers and accounts belonging to the corporation, or pertaining to his official duties when demanded, for which he shall give bond to the burgess and town council, with surties thereon as they may require.

Accounts to be settled.

SECTION 12. That no moneys shall be drawn from the treasury but by the authority of the council, on orders signed by the president thereof, and attested by the clerk ; it shall be the duty of the town council to settle the accounts of the treasurer, street commissioner, collector of taxes, and of the several officers annually ; and to cause a fair statement showing the receipts in the treasury, and how the same shall have been expended, to be published by the town clerk every year, in the manner prescribed by said town council.

Separate election district.  
Justice of the peace and school directors, &c.

SECTION 13. The said borough shall be a separate election district, and the electors thereof shall hold their borough and general elections at the school house of said borough, and elect one justice of the peace, one constable, one assessor of the county, three school directors and three auditors of the said borough.

SECTION 14. The burgess and town council of said borough, shall have the care of the poor of said borough; and all the powers and duties of overseers of the poor, shall be exercised and performed in such manner, and by such persons as they may ordain. Duties in regard to the poor.

SECTION 15. The constable of said borough shall perform the duties of high constable therein, until otherwise provided; the burgess and town council may authorize the election or appointment of a high constable, if they deem it expedient. Duties of constable.

SECTION 16. The school directors elected under this act, shall perform the same duties, and have the like powers in all respects, as school directors elected agreeably to the general laws of this commonwealth. School directors.

WILLIAM F. PACKER,  
*Speaker of the House of Representatives.*

WM. WILLIAMSON,  
*Speaker of the Senate.*

APPROVED—The tenth day of April, one thousand eight hundred and forty-eight. FRS. R. SHUNK.

No. 826.

## SUPPLEMENT

To the act, entitled “An Act to incorporate the Goschenhoppen mutual fire insurance company,” approved the third day of March, one thousand eight hundred and forty-three.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the time of holding the general annual meetings of said company, and the election of the board of managers hereafter, shall be on the first Monday of November annually; and so much of said act as requires the said meetings, and the election of the board of managers, to be held on the first Monday of September, be and the same is hereby repealed. Time of holding elections.

SECTION 2. That it shall be lawful for said company, when any member shall neglect to pay the amount assessed on his insurance at the time and in the manner directed in the said act, to proceed to collect the same by action of debt, before any justice of the peace of the county where such defaulting member may reside, if the said assessment shall not exceed the sum of one hundred dollars, as debts of like amount are by law recoverable: *Provided,* That nothing herein contained shall be construed to prevent said company, at their option, from collecting the same in the manner directed in said act. Suits. Proviso.

WILLIAM F. PACKER,  
*Speaker of the House of Representatives.*

WM. F. JOHNSTON,  
*Speaker of the Senate.*

APPROVED—The tenth day of April, one thousand eight hundred and forty-eight. FRS. R. SHUNK.

No. 327.

## AN ACT

To incorporate the Rosine association of Philadelphia.

Preamble. WHEREAS, To secure from vice and degradation a class of women who have forfeited their claim to the respect of the virtuous, to prepare and maintain for them an asylum which, by its system of religious instruction, shall elevate their moral nature, to teach them how to gain an honest living "by the work of their own hands," and eventually to render them useful members of the community, an association has been formed and denominated "The Rosine association of Philadelphia," the members of which have petitioned to be incorporated, to enable them more effectually to accomplish their purpose of humanity; therefore,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* the persons who are now, or shall hereafter become contributors as hereinafter prescribed, are hereby incorporated into a society, by the name of "The Rosine association of Philadelphia;" and by that name shall have perpetual succession, with power to have a common seal, to make contracts, sue and be sued, to take, hold, mortgage and convey any estate, real and personal, the annual income of which at any time in actual possession, shall not exceed six thousand dollars, to be appropriated to the purposes of said charity, and to make by-laws, rules and regulations for the government of the society, not inconsistent with the constitution and laws of the United States and this commonwealth.

Name.

Privileges.

Members.

SECTION 2. Every woman, on the payment of not less than one dollar annually, shall be admitted as a member of this society, or by paying the sum of twenty dollars, shall be a member for life. Every person may become an annual contributor.

Meeting.

SECTION 3. The society shall meet on the first fifth day (Thursday) of the fourth month (April) each year, at which meeting thirty members shall be competent to transact business. At this meeting there shall be chosen twenty managers, in whom shall be vested the whole concerns of the society; and they shall continue in office until their successors shall be duly elected.

Duty of managers.

SECTION 4. The managers (being duly notified by the officiating secretary) shall meet within three days after their election, and shall choose from among their number a president, vice president, secretary and treasurer. They shall have power to make by-laws for their own government, to fill vacancies in the board, and to call special meetings of the society, whenever in their judgment it may be expedient; they shall make an annual report of their proceedings, and give two weeks' previous notice of the meeting of the society, through two or more newspapers.

Exempt from taxation.

SECTION 5. That the building occupied as an asylum by the said



society shall, during such occupancy, be exempt from taxation, excepting state tax.

WILLIAM F. PACKER,  
*Speaker of the House of Representatives.*

WM. F. JOHNSTON,  
*Speaker of the Senate.*

APPROVED—The tenth day of April, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

No. 328.

## A SUPPLEMENT

To the act, entitled “An Act relating to premiums on wolf scalps, in the counties of Monroe, Pike, Potter and Westmoreland,” passed the fifteenth March, one thousand eight hundred and forty-seven, and relating to wild cat and fox scalps, in Elk and Mifflin counties.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the provisions of the act, entitled “An Act relating to premiums on wolf scalps, in the counties of Monroe, Pike, Potter and Westmoreland,” passed March fifteenth, one thousand eight hundred and forty-seven, be and are hereby extended to the county of M’Kean. Extended to the  
county of  
M’Kean.

SECTION 2. That from and after the passage of this act, the bounty on wild cat and fox scalps of all kinds, in the county of Elk, shall be fifty cents for each and every scalp, to be paid out of the county funds in the treasury of said county, by order of the commissioners, after due proof being made by the oath of the person killing the same, together with scalps, taken before a justice of the peace, in said county.

SECTION 3. That from and after the passage of this act, the bounty on old fox scalps shall be one dollar, and for young fox scalps fifty cents, in the county of Mifflin. On fox scalps in  
Mifflin county.

WILLIAM F. PACKER,  
*Speaker of the House of Representatives.*

WM. F. JOHNSTON,  
*Speaker of the Senate.*

APPROVED—The tenth day of April, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

No. 329.

## A FURTHER SUPPLEMENT

To an act to incorporate the Susquehanna canal company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That any deed of trust heretofore executed, or which may be hereafter executed, by the Susquehanna canal company, for the benefit of creditors, containing a power authorizing the improving of the same, shall be so construed as to limit the right of improvement to works of like character with those described in such deed, and necessary to the successful operation of said canal, and no deed shall be held, or taken to be invalidated, by reason of such power contained therein; and such company, notwithstanding they may have executed a deed of trust or assignment as aforesaid, shall have power to settle with their creditors, and fund their debts in such manner as they may be able to agree upon, to execute new securities for the funding thereof; and the reservation of the right in such deed, at any time to fund and convert into a permanent loan, such debts and liabilities, or to raise money by way of loan, to pay the same by mortgage or otherwise, of the trust property, shall not invalidate such deed; and the same shall be held good and valid by the courts of this commonwealth.

WILLIAM F. PACKER,

*Speaker of the House of Representatives.*

WM. WILLIAMSON,

*Speaker of the Senate.*

APPROVED—The tenth day of April, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

No. 330.

## AN ACT

Regulating election districts.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the qualified voters of West Caln township, Chester county, shall hereafter hold their township and general elections at the Sandy Hill school house, in said township.

SECTION 2. The qualified voters of Ridley township, Delaware Delaware. county, shall hereafter hold their township and general elections at the house known by the name of Leiperville inn, in said township.

SECTION 3. That the qualified voters of the township of Albany, in the county of Bradford, shall hereafter hold their general and special Bradford. and presidential elections at the school house near Daniel Miller's, in said township.

SECTION 4. That from and after the passage of this act, the qualified voters of Middleberry township, Tioga county, shall hold their general Tioga. and township elections at the school house near Daniel Holiday's, in said township.

SECTION 5. That the qualified voters of the township of Mount Pleasant, in the county of Wayne, shall hereafter hold their township Wayne. and general elections at the house now occupied by Clayton Rogers, in said township.

SECTION 6. That the incorporated district of Penn. in the county of Philadelphia, Philadelphia, shall be divided into two election precincts, in the manner following, to wit : Penn district divided into two

All that part of the said incorporated district of Penn. being and lying east of the middle of Broad street, shall be the East precinct. precincts.

And all that part of said district, being and lying west of the middle of Broad street, shall be the West precinct. Elections therein, regulated.

That all general and special elections in said district shall be hereafter held at the following places, to wit :

The qualified electors residing in the East precinct, shall vote at the house now used as the commissioners' hall, situated at the north-east corner of Tenth and Thompson street.

The qualified electors residing in the West precinct, shall vote at the public house now occupied by Jacob Peters, junior, at the south-west corner of Ridge road and Girard avenue : *Provided*, That it shall and may be lawful for the qualified voters of each of said precincts to change the place of holding the said elections of their precinct, to such other place in the same precinct as may be convenient for them, in the same manner and under the same regulations as are by law provided for changing the place of holding ward elections in the city and county of Philadelphia.

That the officers elected on the seventeenth of March last, namely, Thomas S. Davis, Conrad Carpenter, William Wentzell, for conducting the general elections to be held on the second Tuesday of October next, shall act as officers, and conduct the election in the West precinct, at the new election poll created by this act, to wit: at the house of Jacob Peters, junior, at the south-west corner of Ridge road and Girard avenue; and the judge of said election shall appoint a judge of election for the East precinct, and each of the inspectors of said election shall appoint an inspector for the East precinct; the said judge and inspectors appointed, to hold and conduct the election at the new election poll created by this act, to wit: at the house now used as the commissioners' hall, at the north-east corner of Tenth and Thompson streets. Duties of present election officers.

It shall be the duty of the commissioners of the county of Philadelphia, to furnish to the additional judge and inspectors to be appointed under this act, ballot boxes, blank forms, and list of taxables as are by law furnished to judges and inspectors of elections within the district, and to pay the said additional judges, inspectors and clerks, the same compensation as to election officers.

SECTION 7. That the election held on the last Friday in March, one thousand eight hundred and forty-eight, shall in and for Lower Turkey Somerset.

Foot township, in Somerset county, is hereby legalized to all intents and purposes.

Allegheny.

SECTION 8. That the qualified voters of the borough of Sharpsburg, in the county of Allegheny, after the present year one thousand eight hundred and forty-eight, shall hold their election for municipal officers, justices of the peace, et cetera, on the second Tuesday of January.

WILLIAM F. PACKER,

*Speaker of the House of Representatives.*

WM. F. JOHNSTON,

*Speaker of the Senate.*

APPROVED—The tenth day of April, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

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No. 331.

## AN ACT

Authorizing the laying out of a state road from Danborough, Bucks county, to Skippackville, Montgomery county, concerning road views in Northampton county, and to extend the time for commencing and completing a bridge over the Little Conemaugh, in Cambria county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* Josiah James, Joseph Fry and Simeon Kratz, of Bucks county, and Jacob G. Sarver and Isaac W. Wampole, of Montgomery county, or a majority of them, be and they are hereby appointed commissioners to view, lay out and mark a state road, not exceeding forty feet in width, from Danborough, Bucks county, to a point on the Skippack road, a or near Skippackville, in Montgomery county.

Commissioners.

Location.

Duties.

SECTION 2. The commissioners, or a majority of them, after having been severally sworn or affirmed before a justice of the peace, to perform the duties of their appointment with impartiality and fidelity, shall carefully view the ground over which the road, by them to be laid out may pass, and to lay out the same as near to a straight line between the aforesaid points, as the nature of the ground and other circumstance will permit, so that the verticle departure from a horizontal line shall at no point exceed five degrees, except at the crossing of streams or ravines, where by moderate filling up and bridging, said line may be reduced to that limit.

Mark route.

SECTION 3. It shall be the duty of the commissioners, plainly and distinctly to mark upon the ground the route agreed upon for the road by them laid out as aforesaid, in such manner as to enable the supervisors readily to find the same; and for the purpose of fulfilling the duties in this act enjoined, the commissioners are hereby authorized to employ two chain bearers and one axeman, at a per diem allowance not exceeding one dollar each.

SECTION 4. It shall be the duty of the commissioners to make out a Drafts. fair and accurate draft of the said location, noting thereon the courses and distances, from point to point, as they occur, the improvements passed through, and also the crossing of county and township lines, roads and waters, with such other matters as may serve for explanation, one copy whereof shall be deposited in the office of the secretary of the commonwealth, on or before the first day of February next, and one copy in the office of the clerk of the court of quarter sessions of the respective counties through which said road may pass, which shall be a record thereof; and from thenceforth the said road shall be, to all intents and purposes, a public highway, and shall be opened and repaired, in all respects, as roads are opened and repaired, which are laid out by order of the court of quarter sessions of the peace of the several counties of this commonwealth.

SECTION 5. The compensation of the commissioners shall be one Compensation. dollar and fifty cents for each and every day necessarily employed by virtue of this act; and the accounts of said commissioners for their own pay, and the pay of the hands aforesaid, shall be adjusted and allowed by the commissioners of the respective counties through which said road may pass, and paid by the treasurers thereof, on warrants drawn in the usual way, and in proportion to the length of the road in such counties, respectively.

SECTION 6. The said commissioners shall meet at the place of begin- Meeting. ning, on the road before mentioned to be by them laid out, on the first Monday of September next, or sooner, as may best suit their convenience, and complete the location of the road as soon as practicable.

SECTION 7. That the act of the third of April, eighteen hundred and Road laws in Northampton county, repealed. forty-six, entitled "An Act concerning views of roads and road damages in Northampton county," be and the same is hereby repealed.

SECTION 8. That the time for the commencement of the work of Time for com- building a bridge over the Little Conemaugh, at Johnstown, Cambria mencing and county, as provided in the act "to authorize the governor to incorporate completing the a company to erect a bridge over the Little Conemaugh, at Johnstown, bridge over Little in Cambria county," approved eleventh March, eighteen hundred and Conemaugh, in Cambria county, forty-four, be extended four years from the date of this act; and that extended. the time for completion of said bridge, shall be extended six years from date of this act: *And provided further,* That the time for opening the Proviso. books as named in said act, shall be at such time and place as the commissioners, or a majority of them, may designate.

WILLIAM F. PACKER,  
*Speaker of the House of Representatives.*

WM. F. JOHNSTON,  
*Speaker of the Senate.*

APPROVED—The tenth day of April, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

No. 332.

## AN ACT

To authorize a lateral railroad, from the Harrisburg furnace, to connect with the Pennsylvania railroad.

D. R. Porter,  
authorized to con-  
struct a lateral  
railroad from his  
furnace to the  
Pennsylvania  
railroad.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That authority is hereby given to David R. Porter, his heirs or assigns, to lay down and maintain, at his own expense, a lateral railroad for his own use, from his present railroad at his furnace, on the north-east side of the canal basin, at Harrisburg, extending along the berme of said basin, and to connect with the Pennsylvania railroad at or near State street, with the right to construct and maintain a sufficient sideling along Canal street: *Provided,* The location and construction of the railroad hereby authorized, shall not in any manner interfere with or interrupt the business on the public improvements; and that the plan for which shall be first submitted to, and approved by, the board of canal commissioners and directors of the Pennsylvania railroad.

Connection regu-  
lated.

SECTION 2. That the connection hereby authorized, shall be made subject to the provisions of the seventeenth section of the act, passed thirteenth April, one thousand eight hundred and forty-six, entitled "An Act to incorporate the Pennsylvania railroad company."

Damages to be  
paid.

SECTION 3. That if in the location and construction of the railroad hereby authorized, any damage shall be done to real estate, the owner may apply, by petition, to the court of quarter sessions of the peace of the county, whose duty it shall be to appoint three disinterested persons to view and assess whatever damages may have been sustained; which valuation made, under oath, by the viewers so appointed, or a majority of them, when approved by the court, shall be final and conclusive, and judgment shall be entered thereon; and if the amount shall not be paid, execution may issue, as in other cases of debt, for the sum so awarded, with the costs accruing thereon: *Provided,* That compensation shall be made to the owners of any private property taken for said road, or that adequate security therefor be given, before such property shall be taken for said use.

Protection of  
road and fixtures.

SECTION 4. That for the protection of said railroad, with its fixtures and appurtenances, all the provisions of the fifteenth and sixteenth sections of the act to incorporate the Pennsylvania railroad, passed the thirteenth April, one thousand eight hundred and forty-six, are hereby made applicable and extended to the present or any future owner of the railroad authorized by this act, as fully and effectually, as if the provisions were fully set forth and re-enacted hereby, giving to the owner or owners of the road hereby authorized, all the remedies given to the Pennsylvania railroad, by the said recited sections of their act of incorporation.

WILLIAM F. PACKER,

*Speaker of the House of Representatives.*

WM. WILLIAMSON,

*Speaker of the Senate.*

APPROVED—The tenth day of April, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

No. 333.

## AN ACT

To incorporate the Washington Express horse company, of Roxborough, in the county of Philadelphia.

**SECTION 1.** *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the Washington Express horse company, of Roxborough, in the county of Philadelphia, is hereby erected into a body politic and corporate, in deed and in law, by the name, style and title of "The Washington Express horse company;" and by the same name, shall have perpetual succession, and be able to sue and be sued in all courts of law and elsewhere; and to have a common seal, the same to alter and renew at pleasure; and shall be capable in law and equity, to take and hold for the use of the said company, any goods and chattels, or any sum or sums of money, by gift, grant, bargain, sale, will, devise, bequest or otherwise, from any person or persons whomsoever, capable of making the same, and the yearly income of which shall not exceed the sum of two thousand dollars; and the same to grant, bargain, sell, and a good conveyance make for the use of the said company, and generally to do all and singular the matters and things, which may be lawful and necessary for them to do, for the well being and due management of the affairs thereof. Style. Privileges.

**SECTION 2.** That this company shall consist of all such persons as are now members, to wit: Hiram Johnson, William Bickings, Alfred Aull, Henry A. Rex, Richard S. Bickings, David Tarter, William Woolf, John Crawford, Henry Sines, Thomas Whiteman, Joseph Marshall, George Moyer, senior, George Larc, Joseph Gilkeson, George W. Wagoner, John B. Moyer, Martin Bickings, James F. Nicholas, Hugh Hallowell, George F. Ulmer, Andrew Richey, Daniel Haas, Joseph Aull, William Hesser, William G. Dear, and all such persons as shall hereafter be admitted members, agreeably to the by-laws of said company. Members.

**SECTION 3.** That the officers of this company shall consist of one president, one vice president, one treasurer and one secretary; the duties of said offices shall be particularly set forth in the by-laws of said company. Officers.

**SECTION 4.** The annual meeting of the company, shall be held on the first Monday evening in February, in every year, at seven o'clock, when the officers enumerated in this act, shall be chosen by ballot, to continue in office for one year; and the stated quarterly meetings shall be held on the first Monday evenings in May and August, at eight o'clock, and on the first Monday evening in November, at seven o'clock; and if any of the offices shall become vacant by death, resignation or removal, they shall be filled by an election at the next stated meeting. Annual meeting.

**SECTION 5.** The funds of this company shall be raised from the payments for memberships, quarterly dues, fines, and other lawful means, and shall be exclusively appropriated to the payment of rewards offered for, and the expense incurred in detecting horse thieves, and recovering Appropriation of funds.

stolen horses, and defraying the necessary costs attending the meetings of the company.

To increase funds.

SECTION 6. If at any time the funds of the company should be inadequate to its emergencies, such deficiency shall be levied, by an equal assessment, upon every member of the company.

By-laws.

SECTION 7. That the company shall have power at any annual or stated quarterly meeting, to make such by-laws as may be deemed necessary for its better regulation: *Provided*, That such by-laws are not repugnant to this act, or inconsistent with the constitution of this state, or of the United States.

Proviso.

Reservation.

SECTION 8. That the legislature reserves the right to alter, amend, or annul the charter at any time hereafter.

WILLIAM F. PACKER,

*Speaker of the House of Representatives.*

WM. WILLIAMSON.

*Speaker of the Senate.*

APPROVED—The twenty-fourth day of March, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

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No. 334.

## AN ACT

For the relief of the sureties of William Parsons, late collector at Lockport; relating to the Mutual fire insurance company of Montgomery county.

Auditor general to allow credit.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same*, That the auditor general be and he is hereby authorized to allow a credit of one hundred and thirty dollars and eleven cents to the sureties of William Parsons, late collector at Lockport, being one year's interest on the defalcation of said Parsons, erroneously charged, and for which judgment has been obtained in the court of common pleas of Dauphin county.

Committee of the Mutual fire insurance company of Montgomery county shall have power to compel the attendance of witnesses.

SECTION 2. That the committee of the board of managers authorized to be appointed in pursuance of an act, approved the thirty-first day of March, eighteen hundred and forty-one, entitled "An Act to incorporate the Mutual fire insurance company of Montgomery county," by the president of the said company, by the seventh section of the act to which this is a supplement, or any one of them, shall have power and authority to issue subpoenas to any person or persons as witnesses, and to compel by attachment, the attendance of such witness or witnesses at such time and place as be designated in the subpoena or subpoenas; and on the attendance of such witness or witnesses, the said committee or either of them, shall have authority to administer an oath or affirmation to such witness or witnesses, to testify in relation to such matters as form the subject matter of investigation by such committee;



and every such witness shall be entitled to six cents mileage per mile direct, or three cents circular, necessarily traveled by him; and also sixty-two and one-half cents for each and every day he shall necessarily attend before said committee.

WILLIAM F. PACKER,  
*Speaker of the House of Representatives.*

WM. F. JOHNSTON,  
*Speaker of the Senate.*

APPROVED—The tenth day of April, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

No. 335.

## AN ACT

Relative to the borough of Germantown, in the county of Philadelphia.

WHEREAS, William Penn, proprietary of the province of Pennsylvania, by his charter, bearing date twelfth day of August, Anno Domini one thousand six hundred and eighty-nine, did incorporate divers persons therein named, all of Germantown, in the county of Philadelphia, by the name of "The bailiff, burgesses and commonalty of Germantown, in the county of Philadelphia, in the province of Pennsylvania;" and among other powers and authorities, did grant unto the said corporation a right to have, take and purchase messuages, lands, tenements, et cetera, and to give, grant, alien and dispose of the same; and also to hold courts of records: Preamble.

*And whereas.* The said corporation, as appears by the ancient records thereof, now in the office of the recorder of deeds for the city and county of Philadelphia, did, on or about the sixth day of the eleventh month, in the year one thousand seven hundred and three-four, purchase, for a market place, and also to build thereon the prison house, stocks, pound, et cetera, one-half acre of ground, in said town of Germantown, containing fourteen perches on the Main street, and five perches and three-quarters on the cross street, hereafter more particularly described:

*And whereas.* Subsequently a market house was erected on said lot of ground; and the said corporation did continue to exercise the said powers and authorities until the year one thousand seven hundred and seven, and afterwards ceased from exercise thereof, or any of them; and since which time the said one-half acre of ground or market place, and market house, have been used by and for the benefit of the inhabitants of the said town of Germantown, in the county of Philadelphia:

*And whereas.* The said inhabitants of the said town of Germantown, have lately become incorporated under the name, style and title of "The borough of Germantown," and it is desirable that the title to the said one-half acre of ground, or market-house lot, should be absolutely

confirmed, and the same vested in the present corporation or borough, their successors and assigns forever; therefore,

Estate vested in the borough of Germantown.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the ancient title in the old corporation aforesaid, to all that certain lot or piece of ground, commonly called the market-house lot, in the borough of Germantown, in the county of Philadelphia, situate, lying and being on the easterly side of the Main street, and northerly side of Church lane, and containing in front, on the said Main street, fourteen perches, and in depth, easterly, five perches and three-quarters of a perch, bounded southerly by the said Church lane, and westerly by the said Main street, be confirmed and made good; and that the same, and the said one-half acre of ground, or market-house lot above described, and all improvements thereon, be and is hereby absolutely vested in the present corporation of the borough of Germantown, their successors and assigns, forever.

Powers of council.

SECTION 2. That the burgess and town council of the said borough of Germantown, be and they are hereby authorized to tear down the present ancient market house, erected on said market-house lot, and to erect and build on said lot, at their discretion, a town hall, and such other buildings as to them may seem best and advantageous for the interest and welfare of said borough.

Ancient records to be delivered to the borough authorities.

SECTION 3. That the records and papers relative to the ancient borough of Germantown, properly belonging to said borough, now in the office of the recorder of deeds of the city and county of Philadelphia, be placed in the keeping of the burgess and town council of the present borough of Germantown, in the county of Philadelphia; and that the recorder aforesaid, is hereby required to deliver over to an authorized person of said borough, the said records and papers, to be placed among the archives of the borough.

WILLIAM F. PACKER,  
*Speaker of the House of Representatives.*

WM. F. JOHNSTON,  
*Speaker of the Senate.*

APPROVED—The tenth day of April, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

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No. 336.

## AN ACT

In relation to the courts in the twenty-first judicial district.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the several courts in the twenty-first judicial district, shall commence

and be held as follows:—In the county of Schuylkill, the several courts shall commence on the second Monday of March, on the first Monday of June, the first Monday of September, and the first Monday of December in each and every year, and continue three weeks, if necessary, at each term. The courts of the county of Carbon shall commence on the first Monday of March, the last Monday of May, the Monday next after the fourth Monday of September, and the last Monday of November in each and every year, and continue for one week at each term, if necessary. The courts of the county of Monroe shall commence on the last Monday of February, the Monday next preceding the last Monday of May, the fourth Monday of September, and the Monday preceding the last Monday of November in each and every year, and continue for one week at each term, if necessary.

Time of holding courts in Schuylkill, Carbon and Monroe, changed.

SECTION 2. This act shall not go into operation until the first Monday of September next: *Provided*, That the courts of general quarter sessions of the peace, and the courts of oyer and terminer and general jail delivery, to be holden in and for the county of Schuylkill, shall commence on the second Monday of the several terms of the courts for said county, to continue two weeks, if necessary; and that the venires, and other process, issued out of said courts of general quarter sessions of the peace, and the courts of oyer and terminer and general jail delivery for said county, shall be made returnable accordingly.

Operation of this act.  
Proviso.

WILLIAM F. PACKER,  
*Speaker of the House of Representatives.*

WM. F. JOHNSTON,  
*Speaker of the Senate.*

APPROVED—The tenth day of April, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

No. 337.

## AN ACT

To enable the committees appointed by "Zion's church" and others, situate in West Brunswick and other townships, in the county of Schuylkill, to sell and make title to certain real estate.

WHEREAS, Zion's church, Saint Paul's church, Saint John's church, Salem's church and Jacob's church, being five separate religious congregations in West Brunswick, Manheim, Wayne and Pinegrove townships, Schuylkill county, together and undivided hold a certain messuage, tenements and tract of land, constituting a parsonage, and containing fifty-two acres and one hundred and forty-six perches, situate near to the town of Bredensburg, in Wayne township, in the said county, and bounded by lands of Joseph Fertig, John Stine, and others:

Preamble.

*And whereas*, The said five above named congregations agreed to sell the said parsonage, and the said Zion's church appointed George

Moser and Abraham Zimmerman, and the said Saint Paul's church appointed George Reber and John Heim, and the said Saint John's church appointed Jacob Minnig and Peter Laubestine, and the said Salem's church appointed John Zerbe and Peter Schwartz, and the said Jacob's church appointed Leonard Felty and John Stine to sell and convey the said parsonage and above described tract of land, who in pursuance of the said appointment, contracted to sell the same to Jacob Faust, of the said township of Wayne, for the sum of thirteen hundred and eighty-eight dollars, and which sale has been approved by the said respective congregations, and the purchase money has been in part paid ; but inasmuch as some of the said congregations have never been incorporated, some doubt has arose as to the power of the above named congregations to make a conveyance for the said described premises ; therefore,

Committees authorized to convey.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That any conveyance or conveyances executed and delivered by the aforesaid named committees, or the primiers of them acting in behalf of the aforesaid five congregations, for the aforesaid and above described premises, or any portion thereof, to the aforesaid Jacob Faust, or to other persons purchasing the same or any part thereof, shall have the effect to vest in the said purchaser or purchasers thereof, all the estate, right, title and interest of the said five named congregations, or of either of them, in the said above described premises. They the said respective committee aforesaid, being bound to their respective congregations for their just proportion of the said purchase money: *Provided,* That before this act shall become operative, the said committee shall give security, to be approved by the court of common pleas of Schuylkill county, for the faithful execution of the trust created by virtue of this act.

Proviso.

WILLIAM F. PACKER,

*Speaker of the House of Representatives.*

WM. F. JOHNSTON,

*Speaker of the Senate.*

APPROVED—The tenth day of April, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

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No. 338.

## AN ACT

Declaring Hare's creek, in Erie, a public highway.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That from and after the passage of this act, Hare's creek, in Erie county, from where the same crosses the line of Warren county, to where it

crosses the line of the state of New York, be and the same is hereby declared a public highway.

WILLIAM F. PACKER,  
*Speaker of the House of Representatives.*

WM. F. JOHNSTON,  
*Speaker of the Senate.*

APPROVED—The tenth day of April, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

No. 339.

# AN ACT

Relative to the claim of Miles Covell.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* the canal commissioners be and they are hereby authorized and required to examine the claim of Miles Covell, for damages alleged to have been sustained by reason of the wreck and loss of an ark loaded with plaster, occasioned by the remains of a coffer dam in the schute of Nanticoke dam, on the eighth day of November, one thousand eight hundred and forty-four, and if they shall find that the loss was occasioned by the remains of the coffer dam aforesaid, they shall assess the amount of damages, and report the amount thereof to the legislature.

WILLIAM F. PACKER,  
*Speaker of the House of Representatives.*

WM. F. JOHNSTON,  
*Speaker of the Senate.*

APPROVED—The tenth day of April, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

No. 340.

## A SUPPLEMENT

To an act, entitled “An Act to prevent waste in certain cases within this commonwealth,” passed the twenty-ninth March, Anno Domini eighteen hundred and twenty-two.

Extended to estates and tenants for life.

Proviso.

Proviso.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the provisions of an act of assembly, passed the twenty-ninth day of March, Anno Domini eighteen hundred and twenty-two, entitled “An Act to prevent waste in certain cases within this commonwealth,” be and the same are hereby extended, so as to embrace and be applicable to estates and tenants for life; and upon the application of any person interested in any estate in remainder, his or her agent or attorney, made according to the terms and requirements of said act, a writ of estrepement shall be issued, to prevent waste, as is directed in other cases therein specified: *Provided,* That at least five days’ notice shall be first given to the tenant or tenants in possession, notifying him, her or them not to commit or desist from the commission of any waste, as the case may be: *And provided also,* That no tenant or tenants for life shall be hereby restrained from the reasonable and necessary use and enjoyment of the land and premises in his, her or their possession; and that the court of common pleas shall have power to inquire into and determine the nature and extent of said use and enjoyment, upon any motion to dissolve said writ.

WILLIAM F. PACKER.

*Speaker of the House of Representatives.*

WM. F. JOHNSTON.

*Speaker of the Senate.*

APPROVED—The tenth day of April, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

No. 341.

## AN ACT

To repeal the third and part of the eighth section of an act, entitled "An Act to authorize the commissioners of Lycoming county to borrow money, and for other purposes."

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* the third section of an act, entitled "An Act to authorize the commissioners of Lycoming county to borrow money, and for other purposes," approved the eleventh day of April, one thousand eight hundred and forty-six, and so much of the eighth section of said act as relates to the improvement of a certain stream or water course specified therein, be and the same is hereby repealed.

Premium on fox  
scalps.

Act authorizing  
the improvement  
of a canal or  
water course by  
the commission-  
ers of Kensington  
district, repealed.

WILLIAM F. PACKER,  
*Speaker of the House of Representatives.*

WM. F. JOHNSTON,  
*Speaker of the Senate.*

APPROVED—The eleventh day of April, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

No. 342.

## AN ACT

To annul the marriage contract between William A. S. Van Duzer, and Martha Ward Van Duzer, his wife.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* the marriage contract heretofore entered into between William A. S. Van Duzer, and Martha Ward Van Duzer, his wife, be and the same is hereby declared null and void, and the parties discharged from all the obligations and liabilities growing out of the same, as fully and absolutely as if they had never been joined in marriage.

WILLIAM F. PACKER,  
*Speaker of the House of Representatives.*

WM. WILLIAMSON,  
*Speaker of the Senate.*

I do certify that the bill, entitled “An Act to annul the marriage contract between William A. S. Van Duzer and Martha Ward Van Duzer,” passed on the seventeenth day of March, Anno Domini one thousand eight hundred and forty-eight, which has been disapproved by the governor, and returned with his objections to the Senate, in which it originated, was agreed to by two-thirds of the Senate, agreeably to the constitution, on the tenth day of April, Anno Domini one thousand eight hundred and forty-eight, and that the foregoing is the act so agreed to by the Senate.

WM. F. JOHNSTON,  
*Speaker of the Senate.*

ATTEST:—SAML. W. PEARSON,  
*Clerk of the Senate.*

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I do certify that the bill, entitled “An Act to annul the marriage contract between William A. S. Van Duzer and Martha Ward Van Duzer,” passed on the sixth day of April, A. D. eighteen hundred and forty-eight, which has been disapproved by the governor, and returned with his objections to the Senate, in which it originated, was agreed to by two-thirds of the House of Representatives, agreeably to the constitution, on the tenth day of April, A. D. eighteen hundred and forty-eight, and that the foregoing is the act so approved by the House of Representatives.

WILLIAM F. PACKER,  
*Speaker of the House of Representatives.*

ATTEST:—WILLIAM JACK,  
*Clerk of the House of Representatives.*

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No. 343.

## AN ACT

To incorporate the Franklin literary society of Jefferson college, and relative to the first school district of Pennsylvania.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That the members of the Franklin literary society of Jefferson college, in the county of Washington, and all who may hereafter become members, are hereby erected into a body politic and corporate in deed and in law, by the name and style of “The Franklin literary society of Jefferson college.”*

Style.

Privileges.

SECTION 2. That the said corporation, by the same name and style, shall have perpetual succession, and be able to sue and be sued, plead and be impleaded, in all the courts of law and elsewhere; and shall be able and capable in law and equity to take, purchase, hold and receive to them and their successors, for the use of said society, lands, tene-



ments, choses in action, goods and chattels of whatever kind, nature or quality, real, personal or mixed, which now are or hereafter may become the property of said corporation, or be held for their use by gift, grant, bargain, sale, conveyance, devise, bequest or otherwise, from any person whomsoever capable of making the same, and the same to grant, bargain, sell, mortgage, improve or dispose of, for the use and benefit of the said society, and in general, to do all things which may be lawful and necessary for the well being and due management of said corporation.

SECTION 3. All bona fide engagements entered into and liabilities contracted heretofore by individuals for the proper debts of the said society, or for money borrowed for its use and benefit, and by its authority, shall immediately after the enrolling hereof, be held and deemed the debts of the body politic and corporate hereby created which shall be liable therefor in its corporate property and capacity ; and all moneys now due and owing to the said society shall be taken and deemed to be moneys due and owing to the said corporation, and all property real or personal, now owned by said society, shall be held and owned by the said corporation : *Provided*, That the yearly income or value of said estate shall not exceed three thousand dollars. Assumption of debts.

SECTION 4. The members of said society shall meet on the second Friday of May, one thousand eight hundred and forty-eight, in their hall, and organize their association under this act of incorporation, and shall have full power to enact and enforce such by-laws and ordinances as they shall think proper for their government, and for the regulation and transaction of the business of said society, and to make, use and have a common seal, and the same to break, alter and renew at their pleasure, and shall have power to select such officers and at such times as they may deem proper : *Provided*, That the by-laws and ordinances, and all the acts of said society, shall not be contrary to this charter, nor to the constitution and laws of the United States or of this commonwealth, and shall not conflict with the by-laws, rules or regulations of Jefferson college. Organization.

SECTION 5. No enumeration of powers, privileges and duties herein contained, shall be so construed as to exclude others not enumerated, which are necessary to the proper fulfilment of the design and purposes of this act, and not inconsistent with its express provision and limitations. Powers.

SECTION 6. That this act shall be subject to be altered, amended or repealed at any time at the will of the general assembly : *Provided*, That the corporators be not injured by such alteration, amendment or repeal. Reservation.

SECTION 7. That hereafter twenty members of the board of school directors of the first section, first school district of Pennsylvania, shall constitute a quorum ; and the board shall have power to vacate the seats of any members who may neglect or refuse to discharge the duties assigned them. Relative to the board of school directors, first section, first district.

WILLIAM F. PACKER,  
*Speaker of the House of Representatives.*

WM. F. JOHNSTON,  
*Speaker of the Senate.*

APPROVED—The eleventh day of April, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

No. 344.

## AN ACT

Fixing the place of holding elections in Piney township, and regulating the boundaries of Toby township election district, in the county of Clarion, and also regulating certain other election districts.

Clarion.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* from and after the passage of this act, the general and township elections hereafter held in the township of Piney, in the county of Clarion, shall be held at the house now occupied by Archibald Burns, in said township; and that Andrew Magee is hereby appointed judge, and John Klingensmith and Thomas Burns, inspectors, to hold the next general election; and in conducting said election, they shall be governed by the election laws of this commonwealth.

Tariff election district.

SECTION 2. That so much of the former Tariff election district, as remains within the boundaries of the township of Toby, be again attached to the Toby election district.

Schuylkill.

SECTION 3. That it shall and may be lawful for the qualified voters residing within the bounds of the township of Frailey, in the county of Schuylkill, to meet at the house now occupied by David Lomison, in the town of Donaldson, on Saturday, the fifteenth day of April, one thousand eight hundred and forty-eight, and between the hours of eight and ten o'clock in the forenoon, and seven o'clock in the afternoon, to elect, by ballot, two justices of the peace, two supervisors, one assessor, one township clerk, one constable and three auditors for said township, all of which township officers so elected, (except the justices of the peace, who shall be elected for five years,) shall serve until the next regular day for electing township officers in Schuylkill county, or until their successors are duly elected and qualified.

Special election for officers.

Election of managers of Reading water company.

SECTION 4. That whenever the Reading water company fail to elect managers of the company on the second Monday of May, in any year, and the managers fail to give notice of the place of holding such election, agreeably to the provisions of the third section of the act, entitled "An Act authorizing the governor to incorporate the Reading water company," passed the sixteenth day of March, one thousand eight hundred and nineteen, managers shall be elected on the first Monday in July after such failure; and one or more of the stockholders of said company may appoint some suitable and convenient place within the city of Reading, for holding such election, and give notice of the same at least ten days before the election, in one or more newspapers published in said city.

Commissioners of city and county of Philadelphia, to furnish election officers with copy of assessment.

SECTION 5. That the county commissioners of the city and county of Philadelphia be and they are hereby directed and required, upon the application of any inspector of elections of any ward or district in the city or county aforesaid, to furnish the said inspector with a certified copy of all persons assessed in the ward or district to which the said inspector belongs, who have not paid a state or county tax for two years preceding such application: *Provided, That* nothing in this section shall be construed to disqualify any person from voting, whose receipt

for state or county tax may bear a date subsequently to the making out of said list.

SECTION 6. That so much of the act, entitled "An Act regulating Washington co. election districts," approved the twenty-first day of April, one thousand Hopewell town- eight hundred and forty-six, as authorizes the qualified voters of Hope- ship, election of well township, in Washington county, to elect one additional supervisor supervisors. of roads, be and the same is hereby repealed.

SECTION 7. That the qualified electors of East Brunswick township, Schuylkill. in the county of Schuylkill, shall hereafter hold their general and town- ship elections at the public house of Joshua Boyer, in the town of M'Keansburg, in said township.

SECTION 8. That if a vacancy shall occur in the office of alderman Pittsburg, vacan- in the Second ward of the city of Pittsburg, by resignation, during the cy in the office of present year, it shall be lawful for the citizens of said ward to hold a alderman, how special election to supply the same; and it shall be the duty of the supplied. constable of said ward, when satisfied that such vacancy exists, to give at least ten days' notice, in the manner now directed by law, in regard to ward and township elections, designating the time at which a special election will be held to supply such vacancy; the said election shall be held at the usual place of holding ward elections within said ward, and be conducted by the same officers, and the returns shall be made in the manner now directed by law.

SECTION 9. That if one of the aldermen of the said ward shall resign Alderman to re- as aforesaid, it shall be lawful for him to retain his docket and official tain his docket. papers: *Provided*, He shall not remove the same beyond the bounds Proviso. of said city, and shall on demand deliver transcripts therefrom, and be subject to the provisions of the tenth section of an act providing for the election of aldermen and justices of the peace, passed June twenty-first, one thousand eight hundred and thirty-nine.

SECTION 10. That hereafter the qualified voters of the township of Berks. Colebrookdale, in the county of Berks, shall hold their general election at the public house now occupied by Daniel Heller, in Boyerstown, in said township.

SECTION 11. That hereafter the qualified voters of Lower St. Clair Allegheny. township, in Allegheny county, shall hold their township and general elections at the house of Joseph Rogers, (Lower ferry,) in said town- ship.

SECTION 12. That hereafter the qualified electors of Rush township, Centre. Centre county, shall hold their general and township elections at the common school house, in the town of Philipsburg.

SECTION 13. That the qualified electors of Marion township, Centre Centre. county, shall hold their general and township elections at the common school house, in the town of Jacksonville.

SECTION 14. That the qualified electors of the several wards in the Northern Liber- incorporated district of the Northern Liberties shall, at their next ward ties to elect col- elections, and annually thereafter, at the ward elections, elect a collector lector of taxes. of state and county taxes; and the person so elected shall be a resident of the ward for which he is elected: *Provided*, Said collectors, elected Proviso. as aforesaid, shall give security, to be approved by the county commis- sioners; and that all vacancies shall be filled as is now directed by law.

SECTION 15. That the qualified voters of the township of Exeter, in Berks. the county of Berks, shall hereafter hold their general elections at the public house of George Stoner, in said township.

SECTION 16. That the qualified voters of Londonderry township, Bedford. Bedford county, shall hereafter hold their general and township elections at school house, number three, in said township.

Bedford.

SECTION 17. That the township of Thomson, in the county of Bedford, is hereby erected into a separate election district, and the qualified voters thereof shall hold their general and township elections at the house of Jacob Jenkins, in said township; and that the election of township officers, which was held in said township, on the seventeenth of March, eighteen hundred and forty-eight, shall be good and valid to all intents and purposes, as if the same had been held and conducted in pursuance of law.

Potter.

SECTION 18. That hereafter the qualified voters of Horner township, in the county of Potter, shall hold their general and township elections at the school house near Jonathan Edgecomb's, in said township.

Mercer.

SECTION 19. That the qualified electors of Shenango township, Mercer county, shall hereafter hold their general and special elections at the house of William Edeburn, (saw mill,) in said township.

WILLIAM F. PACKER,

*Speaker of the House of Representatives.*

WM. F. JOHNSTON,

*Speaker of the Senate.*

APPROVED—The eleventh day of April, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

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No. 345.

## AN ACT

Authorizing the town council of the borough of Williamsport, to receive certain deeds of conveyance, and to convey certain property, and to authorize the trustees of the Methodist Episcopal church at Rimersburg, in Toby township, Clarion county, and Abraham Hegan, administrator of the estate of Charles Barnett, deceased, to sell and convey certain real estate, and for other purposes.

Authorities of the borough of Williamsport, to receive title for certain real estate.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the town council of the borough of Williamsport, in the county of Lycoming, be and they are hereby authorized to receive a deed or deeds of conveyance from John K. Hays and Peter Vanderbelt, their heirs, executors, or administrators, for the Williamsport academy, and the lot of ground containing about two acres, upon which said academy is erected, agreeably to their articles of agreement, dated the fifth of July, one thousand eight hundred and forty-five; and upon the execution and delivery of the deed or deeds aforesaid, the same shall vest the full and absolute right and title in fee simple, in the town council aforesaid, and their successors in office, to the said academy and the said two acres of land and appurtenances.

Power to convey real estate.

SECTION 2. That the said town council of the borough of Williamsport, be and they are hereby authorized to convey the aforesaid acade-

my and two acres of ground, with the appurtenances, to such board of trustees as shall be appointed or elected in pursuance of the stipulations and agreements, signed by John Smith, Joseph S. Williams, H. B. Crever and Charles Maclay, in behalf of the Methodist Episcopal church, bearing date the fifth January, one thousand eight hundred and forty-eight, to be held by said board of trustees and their successors, for the uses and purposes, and under the limitations and restrictions in the said propositions mentioned.

SECTION 3. That the estate vested in Samuel M. Hosey, James M'Coy and William Morris, trustees for the Methodist Episcopal church, known as the Rose church, at Rimersburg, Toby township, in the county of Clarion, by the indenture of Alexander Baring and Henry Baring, of Southampton, England, and Joseph R. Ingersoll and William Miller, of the city of Philadelphia, trustees of the estate of the late William Bingham, bearing date the eighteenth day of March, one thousand eight hundred and forty, for a certain lot or parcel of land situate in the township of Toby, and county aforesaid, as follows, viz: Beginning at a white oak, on the north line of Matthew Hose's lot, number sixteen, and the south-east corner of lot, number fifteen, surveyed for John Rimer; thence north eighty-eight perches, to a black oak, on the south-west corner of George L. Benn's lot, number nine; thence east along the south line thereof, fifty perches, to a white oak, on the north-west corner of lot, number ten, surveyed for Samuel Pinks; thence south along the west line thereof, eighty-eight perches, to a post; thence west fifty perches, to the place of beginning, containing twenty-five acres and nine-tenths of an acre, ( $25 \text{ acres and } \frac{9}{10} \text{ of an acre,}$ ) with allowance of six per cent., be and the same is hereby vested in Abraham Probasco, James Buzard, S. N. Eaton, John Harnish and S. M. Hosey, the present trustees and their successors; and further that they the said Abraham Probasco, James Buzard, S. N. Eaton, John Harnish and S. M. Hosey, are hereby authorized to sell the same: *Provided always*, That the proceeds of such sale shall be held in trust for the use of said church: *Provided further*, That before this act takes effect, it shall be the duty of said trustees to give security, to be approved by the court of common pleas of Clarion county, for the faithful execution of the trust created by virtue of this act.

Trustees of Methodist Episcopal church (Rose church) in Rimersburg, authorized to sell real estate.

Proviso.

SECTION 4. That Abraham Hegan, surviving administrator of the estate of Charles Barnett, late of the borough of Huntingdon, deceased, be and he is hereby authorized to sell at public or private sale, and to convey to the purchaser or purchasers in fee simple, the following property, late of said deceased, to wit: "A lot of ground situate in the borough of Huntingdon, on the northerly side of Mifflin street, in front on the said street fifty feet, and extending in depth at right angles to the said street, two hundred feet to Church street, being lot number two hundred two in the plan of said borough: *Provided*, That before executing a deed for said lot, the administrators shall enter into bond with one or more securities, to be approved by the orphans' court of Huntingdon county, to appropriate the proceeds of sale according to law.

Administrator of Charles Barnett, dec'd, authorized to sell real estate.

Proviso.

SECTION 5. That the state treasurer is hereby authorized and directed to enter a credit for two hundred dollars, as of the fifteenth July, eighteen hundred and forty-four, upon a certain bond of John G. Miles, to the commonwealth of Pennsylvania, dated the twenty-sixth day of November, one thousand eight hundred and forty-two, and given under a compromise with the Nicholson commissioners; which credit hereby allowed, to be a full compensation for professional services rendered by said Miles, in conducting the argument before Hon. Molten C. Rog-

State treasurer to credit John G. Miles with a certain sum of money.

ers, one of the justices of the supreme court of Pennsylvania, at a special court held in Cambria county, in July, one thousand eight hundred and forty-four, on a motion for a new trial in the case of the Commonwealth versus Bernard and Patrick Flanagan, for the murder of Elizabeth Holder.

Luzerne county,  
Jackson town-  
ship to elect cer-  
tain officers.

To be a corporate  
body.  
Name.

Privileges.

Claims to vest in  
corporation.

Court invested  
with jurisdiction.

Proviso.

Trustees appoint-  
ed.

SECTION 6. That the taxable inhabitants of the township of Jackson, in the county of Luzerne, being owners of land within the same, and all who shall hereafter inhabit and own land within the said township, are hereby authorized to meet on the day, and at the place of holding the township elections in said township, annually, and then and there, between the hours of the said township elections, to elect, by ballot, a treasurer, secretary, and three persons as trustees for the township of Jackson; said election to be conducted by the officers of, and as a part of, the township elections, and the person having the highest number of votes for the respective offices, shall be declared duly elected; when the said treasurer, secretary, and three trustees shall, respectively, constitute a body corporate and politic in law and in fact, by the name and style of "The trustees of the proprietors of the township of Jackson;" and by the said name shall have perpetual succession, and all the privileges and franchises of corporations, and shall be able and capable, in law, of purchasing, taking and holding to them and their successors, to the use of the proprietors of said township, lands, tenements and hereditaments, real, personal and mixed, and of selling, transferring and conveying the same, in fee simple, or for a less estate, of suing and being sued, pleading and being impleaded, and of doing any other act, matter or thing which a body corporate and politic may lawfully do: *Provided*, That said corporation shall not, at any one time, hold property exceeding, in value, six thousand dollars.

SECTION 7. That the same provisions made and enacted in the third and fourth sections of the act of assembly, entitled "An Act to incorporate the trustees of the township and borough of Wilkesbarre, the trustees of the township of Plymouth, and the trustees of the township of Hanover, in the county of Luzerne," approved the second day of April, one thousand eight hundred and thirty-one. That immediately upon the passage of this act, the rights, interests and claims, real and personal, and all debts, dues and demands whatsoever, either in the original fund of the proprietors of Plymouth, or otherwise, which shall belong to any or all the inhabitants of the township of Jackson, shall vest in said corporation, by virtue of this act, and be recoverable in their name, by action at law, as in other cases.

SECTION 8. That the court of common pleas of Luzerne county, be invested with jurisdiction to hear and determine, either by suit at law, as in other cases by case stated, or by the direction of an issue, all disputes and difficulties between the proprietors of the township of Jackson and the proprietors of Plymouth, in relation to the division and disposition of the fund in the hands of the proprietors of Plymouth, and thereupon to give judgment as shall be just: *Provided*, That either party shall be permitted to take a writ of error to the supreme court, in the same manner as in other cases of judgment upon verdict: *And provided*, That costs shall abide the event in all such suits or proceedings.

SECTION 9. That until the election of officers under the provisions of this act, Obed Baldwin, Truman Atherton and Absalom Case shall, respectively, be vested with the powers of trustees under this act, and shall be authorized to do and perform every act, and to bring and prosecute suits at law, in the same manner and form as the trustees, secretary and treasurer, when elected under the provisions of this act, could and might do.

SECTION 10. That hereafter the affairs of the Clinton academy, in Clinton county, shall be managed by three trustees, to be appointed by the court of quarter sessions of said county, at the next term of said court, one of whom to serve one year, one to serve two years, and one to serve three years; and annually thereafter, the said court shall appoint one trustee to supply the vacancy occasioned by the expiration of the term for which said appointment was made; and the said trustees, when so appointed, shall be vested with the like power and authority, as was originally conferred on the trustees of said academy, by the act incorporating the trustees and stockholders of the same, approved June fifth, A. D., one thousand eight hundred and forty.

SECTION 11. That the township election held on the third Friday of March, one thousand eight hundred and forty-eight, in the new township of Packer, in the county of Carbon, be and is hereby declared legal and valid.

SECTION 12. That hereafter any neglect on the part of any road master in the county of Mercer, to keep in good repair the public roads under his charge, from the month of April to the month of December, shall subject such road master to the responsibilities heretofore imposed upon supervisors by existing laws.

WILLIAM F. PACKER,  
*Speaker of the House of Representatives.*

WM. F. JOHNSTON,  
*Speaker of the Senate.*

APPROVED—The tenth day of April, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

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No. 346.

## A SUPPLEMENT

To an act, entitled "An Act authorizing the laying out of certain state roads, and for other purposes," and to view and open a state road from Mifflinville, Columbia county, to Conyngham, Luzerne county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That from and after the passage of this act, the provisions of the twenty-fourth section of an act, entitled "An Act authorizing the laying out of certain state roads, and for other purposes," approved the twenty-second day of April, eighteen hundred and forty-four, shall not extend to that portion of the Susquehanna and Tioga turnpike, laying within the bounds of the counties of Luzerne, Bradford and Columbia.

SECTION 2. That so much of the eighth section of an act, entitled "An Act concerning certain state and turnpike roads," approved the nineteenth day of April, eighteen hundred and forty-four, as relates to

the Susquehanna and Tioga turnpike," be and the same is hereby repealed.

Commissioners  
appointed to lay  
out a state road  
from Mifflinville  
to Conyngham.

SECTION 3. That William H. Alexander and Samuel Hoyt, of Luzerne county, and Samuel Creasy, of Columbia county, be and the same are hereby appointed commissioners to view and lay out and mark a state road, beginning at or near Mifflinville, Columbia county; thence leading through the West route of Nescopeck gap, until it reaches another public road at or near the village of Conyngham, in Luzerne county, by the easiest and most practicable route, having reference to the distance of the route, surface of the county and cost of construction.

Duty.

SECTION 4. That it shall be the duty of said commissioners, or a majority of them, after having been duly sworn or affirmed before a justice of the peace, who shall file and preserve the same in his office, to perform all the duties enjoined by this act with impartiality, carefully to view the ground over which the road to be laid out by them may pass, having due regard to a straight and easy road for the public, at an elevation of not more than five degrees from a horizontal line, and that they shall clearly and distinctly mark the road in such a manner as shall render the route agreed upon readily found by the supervisors; and for fulfilling the duties enjoined by this act, the commissioners shall be allowed the sum of one dollar and fifty cents per day, for every day they shall be necessarily employed in performing the duties assigned by this act; and the said commissioners are hereby authorized to employ one surveyor, at one dollar and fifty cents per diem, two chain bearers and one axeman, at a sum not exceeding, for each, one dollar per diem.

Compensation.

Draft.

SECTION 5. That said commissioners shall make out a fair and accurate draft of the location of the road, noting thereon courses and distances, and the places, waters, county and township lines, with such other matter as may serve for explanation, one copy whereof shall be deposited in the office of the secretary of the commonwealth, on or before the first day of January next, and one copy in the office of the clerks of the court of quarter sessions of the respective counties through which the said road may pass, on the time aforesaid, or as much sooner as practicable; and from thenceforth said road shall be a public highway, and shall be opened and repaired as all other roads laid out by the courts are made and repaired.

How and by  
whom paid.

SECTION 6. The commissioners shall draw on the commissioners of the counties through which said road shall pass, who shall adjust the account of the commissioners, surveyor, chain bearers and axeman, and pay them as other accounts, by order on the treasurer of the county, are paid.

Time of meeting.

SECTION 7. Said commissioners shall meet on or before the first Monday of August next, or as soon thereafter as a majority of them shall agree on, and complete the location of said road as soon as practicable; and if any vacancy shall occur by resignation or otherwise, it shall be filled by the judges of the court of quarter sessions of the county in which said person or persons so resigning shall have resided.

Duties of super-  
visors.

SECTION 8. It shall be the duty of the supervisors of the several townships through which said road shall pass, upon notice given, to proceed at once and make and open the said road as other roads are made, and on failing to comply, the said supervisors, or any of them, shall forfeit and pay a fine of not less than fifty dollars, to be collected as other fines are collected, and said fine shall be appropriated for the use of said road; and the justice of the peace before whom information is lodged, shall have power to appoint another person in place of the supervisor refusing to perform the duties of this act, who shall be paid out of the funds set apart for the laying out and repairing of roads



in the township through which said person so refusing may reside; and that said commissioners shall have power to vacate any road or part thereof, as may be rendered useless by this act, or shall have power to locate any part of the road between the points mentioned by this act. Power to vacate.

WILLIAM F. PACKER,  
*Speaker of the House of Representatives.*

WM. F. JOHNSTON,  
*Speaker of the Senate.*

APPROVED—The tenth day of April, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

No. 347.

## AN ACT

Relative to the claim of Isaac Knight, to the estate of Thomas Hale, deceased, to the estate of Dr. George Huey, to the estate of William Smith, deceased, incorporating the Lockport and Ridgeway turnpike road company, relative to the estate of Christian Ley, deceased, to taxing dogs in Somerset, and to selling real estate in the town of Conyngham, Luzerne county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the canal commissioners of this commonwealth be and they are hereby authorized and required to examine the claim of Isaac Knight, for compensation for the use, by the agents of the commonwealth, of his patented improvements in the journals, boxes, bearings and axles of cars and carriages running upon railroads, and report the facts to the next legislature, and state what amount, if any, ought in their opinion to be paid to the said Isaac Knight, for the use of his invention. Canal commissioners.

WHEREAS, Thomas Hale, formerly of the city of Philadelphia, but late of the county of Bucks, deceased, died intestate, seized in fee simple, of various tracts or lots of land, of little value, in divers counties of the state of Pennsylvania, other than the said county of Bucks: Preamble.

*And whereas,* The said intestate, in his lifetime, bargained and contracted to sell some parts of the said real estate, and died without having made any provision for the performance of such bargains and contracts; and the costs and expenses of procuring orders for the specific performance of every such bargain and contracts, by the orphans' court of the proper county, are productive of great loss and detriment to the said estate, and absorb a large proportion of the proceeds of every such sale:

*And whereas,* By an act of assembly, approved February thirteenth, one thousand eight hundred and forty-seven, entitled "An Act relating to the estate of Thomas Hale, late of the county of Bucks, deceased," authority was given to Almy S. Hale, administratrix of all and singular the goods and chattels, rights and credits which were of the said Thomas

Hale, late of the said county of Bucks, deceased, to convey the said last mentioned real estate:

*And whereas,* It has since been ascertained that the bargainees, of some parts of the said real estate above, abandoned and surrendered their contracts for the same; and some lots and small parts of the said tracts of land, of which the said Thomas Hale died seized, were never bargained and contracted to be sold in his lifetime; therefore,

Administratrix  
authorized to sell  
and convey real  
estate of Thomas  
Hale.

SECTION 2. That Almy S. Hale, administratrix of all and singular the goods and chattels, rights and credits which were of the said Thomas Hale, deceased, be and she is hereby authorized and empowered to sell and convey, in fee simple, all and every the tract and tracts of land, lot or lots of which the said Thomas Hale, deceased, died seized, other than any in the said county of Bucks, for such price or prices as she shall see fit, without any obligation on the part of any purchaser or purchasers thereof, to see to the application of the purchase money thereof: *Provided however,* Before the said administratrix shall be at liberty to act under the authority hereby conferred on her, she shall give security in such sum, and in such manner as the orphans' court for the county of Bucks shall direct, for the faithful execution of the authority hereby conferred on her, and the just application of all such purchase moneys.

Executor of Dr.  
George Huey,  
authorized to sell.

SECTION 3. That Samuel C. Huey, acting executor of the last will and testament of Dr. George Huey, late of the borough of M'Keesport, in the county of Allegheny, is hereby authorized to sell and convey to James E. Huey, and to assure to the said James E. Huey in fee simple, all that certain lot of ground, in the borough of M'Keesport, marked and numbered in the plan of said borough, as lot number one hundred and sixty-five, and fronting on Market street sixty feet, and running back along third street, one hundred and forty feet to an alley twenty feet wide: *Provided always,* That the price or purchase money to be paid, or secured to be paid, by the said James E. Huey, for said lot, shall be not less than the sum of three hundred dollars.

Proviso.

Purchase money  
to be secured.

SECTION 4. That upon the execution and delivery of the deed from the said executor, to the said James E. Huey, for said number one hundred and sixty-five, in the borough of M'Keesport aforesaid, the said James shall execute and deliver to the said executor a mortgage, for securing the purchase money for said lot, which said mortgage shall remain a lien upon said lot, number one hundred and sixty-five, in the borough of M'Keesburg, until the time appointed by the will of Dr. George Huey, for the division of the real estate of which he died seized; and then the amount of said mortgage shall be deducted from the share devised to the said James E. Huey, by the will of the said Dr. George Huey aforesaid.

Guardian of mi-  
nor children of  
John C. Smith,  
empowered to sell  
real estate.

SECTION 5. That the guardian, for the time being, of Charles R. Smith, Ellen Smith and Cooper Smith, minor children of John C. Smith, of the city of Philadelphia, deceased, and the guardian for the time being of Lewis R. Phillips, minor child of the said Maria L. Phillips, appointed or that may be appointed by the orphans' court, for the city and county of Philadelphia, be and they are hereby authorized and empowered to sell and convey in fee simple or otherwise, and for such consideration as they may deem proper, all the estate, right, title and interest, whether at law or in equity of the said minor children, respectively, of the said John C. Smith and Maria L. Phillips, of, in and to all or any lands, tenements and hereditaments in Clearfield county, aforesaid, of which the said William Smith, died, seized, and the deed or deeds of conveyance therefor, executed by the said guardians, respectively, to the purchaser or purchasers, his or their heirs or as-

signs, shall be deemed and taken to pass and convey the interest of the said minors, respectively, in the same; and the said guardians, respectively, are hereby further authorized and empowered, upon the payment of the share of the said minor children, respectively, of the consideration money of any lands or tenements, in the counties of Clearfield, Jefferson and Armstrong, in this state, of which the said William Smith, died seized, and heretofore agreed to be sold, but not conveyed by the said John C. Smith and Maria L. Phillips in their lifetime; or upon payment of the same, being secured by mortgage on the premises, to make and execute deeds to the purchaser or purchasers, his, her or their assigns, conveying the interest of the said minor children, respectively, in the said lands and tenements agreed to be sold; and the same being made and executed, and proved or acknowledged according to law, shall be of the same force and effect to pass and vest the estate intended, of and in the lands and tenements aforesaid, with the appurtenances, as if the same had been executed by the said John C. Smith and Maria L. Phillips, in their lifetime: *Provided always*, Proviso. That the said guardians, respectively, before executing any deed or deeds of conveyance, in pursuance of this act, shall give security to be approved by the orphans' court for the city and county of Philadelphia, for the faithful discharge of their duty, and proper application of the money arising from such sale or sales: *And provided further*, Proviso. That such sale shall be made under the supervision and direction, and subject to the approval of the said orphans' court of the city and county of Philadelphia.

SECTION 6. That James Tean, A. B. Massey, Allison White, John Fleming, Jacob Moyer, James Dunn, Philip Kreps, R. M. Hanna, John Reed, W. W. Barker, George W. Hollenbake, Thomas M'Shee, Robert Bridges, A. O. Caldwell, William Floyd, junior, and W. A. Wycoff, of the county of Clinton, and George Dickinson, Ignatius Garner, George Weis, Jesse Kyler, Isaac Horton, Charles B. Gillis, Joseph S. Hyde, John Cobb and Eddy Hyatt of the county of Elk, be and they are hereby appointed commissioners, to do and perform the several things hereinafter mentioned; that is to say, they shall procure a sufficient number of books, in each of them enter: "We whose names are hereunto subscribed, do promise to pay to the president and managers of the Lockport and Ridgway turnpike road company, the sum of twenty dollars, for every share by us subscribed, in such manner and proportions, and at such times and places as shall be determined on by the said president and managers, in pursuance of an act, entitled 'An Act authorizing the governor to incorporate the Lockport and Ridgway turnpike road company.' Witness our hands the day of Anno Domini one thousand eight hundred and ;" and shall give notice in the Clinton Democrat, the Elk County Advertiser, and one paper published in the city of Philadelphia, of the times when, and the places where the books shall be opened to receive subscriptions of stock to the aforesaid company; at which respective times and places, some one or more of the aforesaid commissioners shall attend, and receive subscriptions from all persons of lawful age, who shall offer to subscribe in said books, which shall be kept open for the purpose aforesaid, at least six hours in each juridical day, for the space of six days, or until the books shall have subscribed therein two thousand shares; and the said commissioners may adjourn from day to day, and from time to time, until the whole number of shares aforesaid, shall be subscribed; and every person offering to subscribe in his own name, or any other name, shall previously pay to the attending commissioner or commissioners, the

Commissioners.

Form of subscriptions to Lockport and Ridgway turnpike road company.

Notice.

Duty of commissioners.

sum of two dollars for every share to be subscribed by him ; out of which shall be defrayed the expenses attending the taking of such subscriptions, and all other incidental expenses, and the remainder shall be paid over to the treasurer of the corporation, as soon as the same shall be organized, and the officers chosen, as hereinafter mentioned: *Provided however*, That in no case whatever shall the neglect or refusal of any person or persons subscribing to the stock of the said corporation, in his own or any other name, to pay to the attending commissioner or commissioners, the said sum of two dollars for every share so subscribed, be construed to exonerate the person or persons subscribing in manner aforesaid, from the payment of the amount due on the share or shares, which he or they respectively may have subscribed.

**SECTION 7.** That when twenty or more persons shall have subscribed two hundred and fifty, or more shares, the said commissioners or a majority of them, shall certify under their hands and seals to the governor, in the names of the subscribers, and the number of shares subscribed by each ; whereupon, it may be lawful for the governor, by letters patent, under his hand and seal of the state, to create and erect the subscribers, and also those who may afterwards subscribe, into one body politic and corporate, in deed and in law, by the name, style and title of the Lockport and Ridgway turnpike road company ; and by the said name, the said subscribers shall have perpetual succession, and the privileges and franchises incident to a corporation, and shall be capable of taking and holding their said capital stock, and the increase and profit thereof, and of enlarging the same from time to time, by new subscriptions, in such manner and form as they shall think proper, if such enlargement shall be found necessary to fulfil the intent of this act ; and of purchasing, taking and holding to them and their successors and assigns, and of selling, transferring and conveying in fee simple, or for any less estate, all such lands, tenements and hereditaments and estate, real and personal, as shall be necessary to them in the prosecution of their work, and of suing and being sued, and of doing all and every other matter and thing which a corporation or body politic may lawfully do.

**SECTION 8.** That the commissioners or any two of them named in the letters patent, shall as soon as conveniently may be after the issuing of the same, give notice in one newspaper printed in the city of Philadelphia, in the Clinton Democrat, and in the Elk County Advertiser, of a time and place to be by them appointed, not less than twenty days from the time of the first notice, at which time and place the said subscribers, or as many of them as may be then present, shall proceed to organize the said company, and shall choose by a majority of votes, of the said subscribers by ballot, either in person or by proxy duly authorized, one president, eight managers, among whom there shall be at least one commissioner of each of the counties, the commissioners of which may have subscribed to the stock of the said corporation, agreeably to the provisions of the fifteenth section of this act, one treasurer, and such other officers as they may think necessary to conduct the business of said company for one year, and from thence to the next annual election, and until such other officers shall be chosen and organized, agreeably to the provisions of this act ; and in case of the death, removal or resignation of any president or manager, the board of managers may and shall choose another to supply the vacancy, until the next annual election of said company ; they may make and have one common seal, and the same may break, alter or renew at their pleasure, and may make such by-laws, rules, orders and regulations, not inconsistent with the constitution and laws of this state, as shall be necessary for the well ordering

of the affairs of the corporation : *Provided*, That each person shall be entitled to one vote, for every share of stock by him or her held, not exceeding five, but no share or number of shares above five, shall entitle the holder to more than two votes at any election or meeting of said company : *And provided also*, That no stockholder, whether original subscriber or assignee, shall be entitled to vote at any election, or meeting of said company, unless the whole sum due and payable on the share or shares by him or her held at the time of such election or meeting, shall have been fully paid and discharged. Proviso. Proviso.

SECTION 9. That if any treasurer elected by virtue of this act, shall die, resign, or refuse, or neglect to give such security for the faithful discharge of the duties of his office, as the board of managers may direct and require, and having given the security required, shall neglect or refuse to take upon him, and perform all the duties of his said office, it shall be the duty of the said managers for the time being, to appoint some suitable person treasurer, which person so appointed, shall hold the office to which he shall have been appointed, until the next election, by the stockholders, on his giving the requisite security, and until a successor shall be duly elected and give the security required. Duty of treasurer.

SECTION 10. That the stockholders shall meet on the first Monday in July, in each succeeding year, at such place as shall be fixed by the by laws of said company, for the purpose of choosing in manner aforesaid, for the year ensuing the terms of service of those previously elected. Annual election.

SECTION 11. That the said president and managers shall make out certificates of stock, signed by the president and countersigned by the treasurer, and sealed with their corporate seal, and deliver one such certificate to each subscriber, for any share or number of shares by him held, on his paying to the treasurer on each share so held, the sum of five dollars in addition to the two dollars hereinbefore required to be paid at the time of subscribing ; which certificates shall be transferable in person or by attorney, on the books of said company, only subject to the sum due or to become due on the shares so transferred. Certificates of stock. Transferable.

SECTION 12. That it shall and may be lawful for the said president and managers, their superintendents, surveyors, engineers, artists and chain bearers, to enter in and upon all and every the lands, tenements and enclosures, in, through and over which the said intended turnpike road may be thought proper to pass; and for that purpose to examine the ground and the quarries of stone and gravel and other materials that may be necessary in making and constructing the said road, and to survey, lay down, ascertain, mark and fix such route for said road, as in the best of their judgment and skill, will combine shortness of distance with the most eligible ground within the points aforesaid. Enter upon lands.

SECTION 13. That the said president and managers, five of whom shall for all purposes be a quorum, shall keep minutes of all their proceedings, fairly entered in a book to be kept for that purpose, and shall have full power and authority to appoint, agree, or contract with such engineers, superintendents, artists, laborers and other persons, as they may think necessary to make and construct said road, and collect the tolls hereinafter authorized, and to fix their compensation, to ascertain the times, manner and proportions in which the stockholders shall pay the amount of their respective shares, in order to carry on their work, to draw orders on the treasurer for all debts contracted by them, which orders shall be signed by the president, or in his absence by a quorum of the managers, and attested by their secretary, and to do and transact all other acts, matters and things as by the by-laws, orders and regulations of the said company shall be entrusted to them. Quorum. Powers and duties of managers.

**SECTION 14.** That if any stockholder whether original subscriber or assignee, after thirty days' notice in one newspaper published in the city of Philadelphia, and one in the county of Clinton, of the time and place appointed for the payment of any instalment or proportion of the said capital stock, shall neglect to pay such proportion at the place appointed, for the space of sixty days after the time appointed for the payment thereof, every such stockholder shall, in addition to the instalment so called for, pay at the rate of two per centum per month for every delay of such payment; and if the same and the additional penalty shall become equal to the sums before paid in part on account of such share, the same may be forfeited by and to the said company, and may be sold by them for such price as can be obtained therefor; or in default of payment by any stockholder of any such instalments as aforesaid, for the space of sixty days as aforesaid, the said president and managers may at their election, cause suit to be brought before a justice of the peace, or in any court having competent jurisdiction, for the recovery of the same, together with the penalty aforesaid.

**SECTION 15.** That it may be lawful for the said president and managers, by and with their superintendents, engineers, artists, workmen and laborers, their tools and instruments, carts, wagons and other carriages, and beasts of draught or burden, to enter in and upon the lands contiguous and near to which the said road shall be made or constructed; first giving notice of their intention to the occupiers thereof, and doing as little damage thereto as possible, and making amends for damages upon a reasonable and equitable agreement by the parties; or if they cannot agree, then upon a just and equitable assessment, to be made upon oath or affirmation by three disinterested freeholders, or any two of them, to be mutually chosen; or if either party upon due notice shall neglect or refuse to join in the choice, then to be chosen by a justice of the peace of the county of Clinton, or Elk, as the case may be, who shall not be interested therein; and upon the tender of the assessed value, to dig, take and carry away any timber, stone, sand, earth, or other materials necessary or suitable for making said road.

**SECTION 16.** That the said president and managers shall keep fair and just accounts, as well of all moneys received by them, as of those paid, laid out and expended in the prosecution of said work, and shall at least once in every year, submit their books and accounts to a general meeting of the stockholders; and whenever it shall be ascertained that the capital stock of said company is not sufficient to complete the said road, according to the true intent and meaning of this act, it shall and may be lawful for the president and managers, at a stated or special meeting, convened according to the provisions of this act, or their own by-laws, to increase the number of shares to such extent as they shall deem sufficient to accomplish the work; and to demand and receive the moneys subscribed for such additional shares, in like manner and under the like penalties, as are provided by this act in the case of the original subscriptions.

**SECTION 17.** That the said president and managers shall have power to erect good and sufficient bridges over all the streams of water crossed by said route, wherever the same shall be found necessary; and shall cause a road to be laid out, not exceeding thirty feet in width, and shall cause at least sixteen feet of said width to be made an artificial road of wood, stone, gravel, or other proper and convenient materials, such as the nature of the ground may require, and will afford to be constructed in such manner as will admit an even surface; and in such places where the road shall not be made of stone, to rise towards the centre by a gradual arch to the height of eighteen inches, and in no place on said

Relative to the  
payment of in-  
stalments.

Enter upon lands.

Damages.

Accounts.

Power to erect  
bridges.

Width of road.  
Proviso.

road shall there be an elevation of more than five degrees from a horizontal line, and shall forever thereafter maintain and keep the same in good order and repair: *Provided*, That it shall and may be lawful for the said president and managers, whenever they may deem it necessary, to cut and prostrate the timber on each or either side of the said road, within a distance not exceeding fifty feet from the centre of the said road.

SECTION 18. That whenever, and as often as the said company shall have finished five miles or more of said road, the president thereof may give notice to the governor, who shall, thereupon, forthwith appoint three skillful, judicious and disinterested persons to view and examine the same, and report, on oath or affirmation to him, whether the road is so far executed in a competent and workmanlike manner, according to the true intent and meaning of this act; and if their report shall be in the affirmative, then the governor shall, by license under his hand and seal of the state, permit and suffer said company to erect and fix such, and so many gates or turnpikes upon and across the said road, as will be necessary and sufficient to collect from all persons traveling the same, otherwise than on foot, the same tolls which are hereinafter authorized and granted: *Provided*, That all persons attending funerals, military parades or trainings, or divine worship on the Sabbath day, shall, at all times, be exempt from the payment of any toll on said road.

SECTION 19. That for collecting and receiving tolls, and for every attempt to evade the payment thereof, for every neglect to keep the road in good repair, for the increase, diminution and application of tolls, the erection of index posts, and for injuring or defacing the same, for the regulation of the traveling on the said road, limitations of actions, and for the recovery and application of fines and penalties for offences against this act, the said company shall have all the powers, authorities, rights and privileges, and be subject to all the penalties which are given and granted by the act, entitled "A supplement to an act, entitled 'An Act authorizing the governor to incorporate a company for making an artificial road from the bank of the river Susquehanna, opposite the borough of Harrisburg, to Pittsburg,' passed the thirty-first day of March, one thousand eight hundred and seven."

SECTION 20. That the commissioners of the respective counties which said road passes through, shall be at liberty to subscribe stock in the books of said company; which stock so taken, shall be the exclusive property of said counties, and paid for, by orders drawn by the commissioners on their respective county treasurers: *Provided*, That no private property shall be taken by said corporation, in pursuance of this act, without first making compensation therefor, before such property shall be taken.

SECTION 21. That the legislature hereby reserves the right to alter, amend or repeal this charter, and the privileges hereby granted, whenever, in their opinion, the same may be injurious to the citizens of this commonwealth; in such manner, however, that no injustice shall be done to the corporators.

SECTION 22. That the sales heretofore made of any portion of the real estate of Christian Ley, late of Lebanon county, deceased, under the provisions of act of general assembly of this commonwealth, entitled "An Act to legalize and confirm the title to a certain tract of land in Somerset county, and for other purposes," approved the eighteenth day of April, one thousand eight hundred and forty-six, shall after the same shall have been approved by the orphans' court of the county wherein the land is located, be valid, firm and effectual, and shall vest

Proviso.

Governor to appoint viewers.

License to take toll.

Proviso.

Penalty for evading the payment of tolls.

Commissioners of counties may subscribe for stock.

Proviso.

Secure payment of damages.

Reservation.

Sales of real estate of Christian Ley, deceased, confirmed.



in the purchaser or purchasers the same estate which the said Christian Ley, deceased, had and held in the same in his lifetime; and that Augustine Holmes, administrator de bonis non of Christian Ley, deceased, is hereby authorized and empowered to sell at public or private sale, the real estate of the said Christian Ley, deceased, situate in the counties of Schuylkill, Dauphin, Clearfield and Northumberland, remaining unsold: *Provided*, That the said Augustine Holmes shall report said sale or sales to the orphans' court of the county in which the real estate so sold is situated, and shall give security for the faithful application of the proceeds of such sale or sales; which report of sale or sales and the security given as aforesaid, shall be approved by the said orphans' court, before any deed or deeds of conveyance shall be executed for the same; and such conveyance or conveyances made as aforesaid, shall vest in the purchaser or purchasers the same estate in such real estate as the said Christian Ley, deceased, had and held in the same in his lifetime.

Administrator to sell.

Proviso.

Borough of Somerset to assess and collect a tax on dogs.

SECTION 23. That from and after the passage of this act, the burgesses and town council of the borough of Somerset, in the county of Somerset, be and they are hereby authorized to assess and collect, on each and every dog or harbored by any citizen or inhabitant of said borough, a tax to any amount not exceeding one dollar for the first, two dollars for the second, three dollars for the third, and so on in proportion to the number of dogs owned or harbored by any citizen or inhabitant of said borough, as the said burgesses and town council may deem expedient and proper, for the use of the borough of Somerset aforesaid.

Trustees for the Methodist Episcopal church in Luzerne, to sell real estate.

SECTION 24. That George A. Bowman, Andrew Fortner, John Barnes, William N. Brown, William Milnis, Andrew Shaw and Jacob Beers, trustees of the Methodist Episcopal church, for the Luzerne circuit, (in the county of Luzerne,) be and they are hereby authorized to sell at public or private sale, a certain lot of ground situate in the town of Cunningham, in said county of Luzerne, bounded as follows: Beginning at a stone on the corner, between Jacob Drumbeller and Moses S. Brundage, on the west side of the turnpike road, and running along said Drumbeller's land, south sixty-one and a half degrees, west eight perches to a stake; thence south forty-one degrees east along the land of said Brundage, three and a half perches to a stake; thence adjoining land of said Brundage, north sixty-one and a half degrees east eight perches to a stake on the aforesaid road; thence along said road north forty-one degrees west three and a half perches to the beginning, on which is erected a dwelling house and stable, and convey by deed, all the right, title and interest of the said Methodist Episcopal church, in and to the same, to the purchaser or purchasers: *Provided*, That before such sale the said trustees shall execute a bond to the commonwealth, under such penalty as shall be approved by the clergyman in charge of said circuit, that the proceeds arising from said sale, shall be applied to the payment of the debts of the Methodist Episcopal church, on the said lot and buildings, and the balance as may be directed by the quarterly conference with which the said church is connected.

Proviso.

WILLIAM F. PACKER,  
*Speaker of the House of Representatives.*

WM. F. JOHNSTON,  
*Speaker of the Senate.*

APPROVED—The eleventh day of April, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.



No. 348.

## AN ACT

To authorize the governor to incorporate the North and South Lebanon turnpike road company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That George Hoffinan, George Mark, Abraham Sherk, Lorenzo L. Lehman, Commissioners. George D. Coleman, and George Reinoehl, of North Lebanon; Samuel Light, Jefferson Sherk, George Leinaweaver, Jacob Weidel, Leonard Zimmerman, and John Krause, John Weidman and Levi Kline, of the borough of Lebanon; Joseph Zimmerman, Christian Bomberger, Henry Brechbill, John Zinn, George Bowman and Robert W. Coleman, of South Lebanon, in the county of Lebanon, be and they are hereby appointed commissioners to do and perform the duties hereinafter mentioned; that is to say, they shall procure a book and therein enter as follows: "We whose names are hereunto subscribed, do promise to pay to the president and managers of the North and South Lebanon turnpike road company, the sum of fifty dollars, for every share of stock in said company by us subscribed, in such manner and proportions, and at such times and places as shall be determined on by the president and managers, in pursuance of an act, entitled 'An Act to authorize the governor to incorporate the North and South Lebanon turnpike road company.' Witness our hands, the

day of Anno Domini one thousand eight hundred and ;" and shall give at least thirty Notice for open- days' notice, in three newspapers published in Lebanon county, and of ing books. the time and place, when and where the said book shall be opened to receive subscriptions of stock of the said company; at which time and place, two or more of the said commissioners shall attend, and receive subscriptions from all persons of lawful age, who shall offer to subscribe in said book, which shall be kept open for the purpose aforesaid, at least six hours in each juridical day, for the space of six days, or until the book shall have subscribed therein four hundred shares; Number of and the said commissioners may adjourn from time to time, and trans- shares. fer the book from place to place, until the whole number of shares aforesaid shall be subscribed, of which adjournment and transfer, the said commissioners shall give such notice as the occasion may require.

SECTION 2. When ten or more persons shall have subscribed one hundred or more shares, and the said commissioners or a majority of them shall have certified under their hands and seals to the governor, the names of the subscribers, and the number of shares subscribed by each, it may be lawful for the governor by letters patent, under his Governor to grant hand and seal of the state, to create and erect the subscribers, and also letters patent. those who may afterwards subscribe, into one body politic and corporate, in deed and in law, by the name, style and title of the "North Style. and South Lebanon turnpike road company;" and by the same name Privileges. the subscribers shall have perpetual succession, and the privileges and franchises incident to a corporation; and shall be capable of taking and holding their capital stock, and the increase and profits thereof,

and of enlarging the same from time to time by new subscriptions, in such manner and form as they shall think proper, if such enlargement shall be found necessary to fulfil the intentions of the act, and of purchasing, taking and holding, to them and their successors and assigns, and of selling, transferring and conveying in fee simple, or for any less estate, all such lands, tenements, hereditaments and estates, real and personal, as shall be necessary to them in the prosecution of their work, and of suing and being sued, and of doing all and every other matter and thing which a corporation or body politic may lawfully do.

**Organization.**  
**Elect officers.**

**Seal.**

**Proviso.**  
**Votes.**  
**Proviso.**  
**Proviso.**

SECTION 3. The stockholders or any two of them named in the letters patent, shall as soon as convenient may be after issuing of the same, give notice in three of the newspapers published in the county of Lebanon, of a time and place to be by them appointed, not less than twenty days from the time of the first notice; at which time and place the said subscribers, or as many of them as may be then present, shall proceed to organize the said company, and shall choose by a majority of the said subscribers, by ballot, one president, six managers, one treasurer, and such other officers as may be necessary to conduct the business of said company for one year, and from thence until the next annual election, and until such other officers shall be chosen and organized agreeably to the provisions of this act; and in case of the death, removal or resignation of any president or manager, the board of managers may choose another to supply the vacancy until the next annual election of said company. They may make and have one common seal, and the same may break, alter or renew at their pleasure, and may make such by-laws, rules, orders and regulations, not inconsistent with the constitution and laws of this state, as shall be necessary for the well ordering of the affairs of the corporation: *Provided*, That each subscriber shall be entitled to one vote for every share of stock by him or her held: *And provided also*, That no person shall be entitled to hold the office of president, manager, or treasurer of the said company, who is not a stockholder thereof: *And provided also*, That no stockholder whether the original subscriber or assignee, shall be entitled to vote at any election or meeting of said company, unless the whole sum due and payable on the shares by him or her held at the time of such election or meeting, shall have been fully paid and discharged.

**Treasurer.**

SECTION 4. If any treasurer elected by virtue of this act, shall die, resign, or refuse to act, or neglect to give security for the faithful discharge of the duties of his office, as the board of managers may direct and require, or having given the security required, shall neglect or refuse to take upon himself and perform all the duties of said office, it shall be the duty of the said managers for the time being, to appoint some suitable person treasurer, which person so appointed, shall hold the office to which he shall have been appointed, until the next election by the stockholders, on his giving the requisite security, and until a successor shall be duly elected and give the security required.

**Annual meeting.**

SECTION 5. The stockholders shall meet on the first Monday in December, in each and every year, at such place as shall be fixed by the by-laws of said company, for the purpose of choosing in manner aforesaid, such officers for the year ensuing the term of service of those previously elected.

**Certificates of stock.**

**Transferable.**

SECTION 6. The said president and managers shall make out certificates of stock, signed by the president, and countersigned by the treasurer, and sealed with their corporate seal, and deliver one such certificate to each subscriber, for any share or number of shares by him or her held, on him or her paying to the treasurer on each share so held, the sum of five dollars, which certificates shall be transferable in

person or by attorney, on the books of the said company, only subject to the sum due or to become due on the share or shares so transferred.

SECTION 7. It shall and may be lawful for the said president and managers, their superintendents, surveyors, engineers, artists and chain bearers, to enter in and upon all and every the lands, tenements and enclosures, in, through, and over which the said intended turnpike road may be thought proper to pass, and for that purpose to examine the ground, and quarries of stone, and gravel, and other materials that may be necessary in making and constructing the said road, and survey, lay down, ascertain, mark and fix such route for said road as in the best of their judgment and skill, combine shortness of distance with the most eligible ground, beginning at the bridge which is erected across the Union canal at the end of Market street, in the town of North Lebanon; thence the nearest and best route through the borough of Lebanon, crossing the Berks and Dauphin turnpike, in the Market square of said borough; thence by the nearest and best route to John Zinn's mill, in South Lebanon; and thence by the nearest and best route to the Cornwall ore bank, in South Lebanon, in the said county of Lebanon.

Enter upon lands to make examinations and locate route.

Route.

SECTION 8. The said president and managers, five of whom shall for all purposes be a quorum, shall keep minutes of all their proceedings, fairly entered in a book to be kept for that purpose; and shall have full power and authority to appoint, agree or contract with such engineers, superintendents, artists, laborers and other persons, as they may think necessary, to make and construct said road, and to collect the tolls hereinafter authorized, and to fix their compensation; to ascertain the times, manner and proportions in which the stockholders shall pay the amount of their respective shares, in order to carry on their work; to draw orders on the treasurer for all debts contracted by them, which orders shall be signed by the president, or in his absence by a quorum of the managers, and attested by their secretary; and to do and transact all other acts, matters and things as by the by-laws, orders and regulations of the said company, shall be entrusted to them.

Quorum.

Powers and duties of board.

SECTION 9. If any stockholder, whether original subscriber or assignee, after thirty days' notice in three newspapers printed in Lebanon county, of the time and place appointed for the payment of any instalment or portion of the capital stock, shall neglect to pay such portion, at the place appointed, for the space of sixty days after the time appointed for the payment thereof, every such stockholder shall, in addition to the instalment so called for, pay at the rate of two per centum per month for every delay of such payment; and if the same, and such additional penalty shall become equal to the sums before paid in part, on account of such share, the same may be forfeited by and to the said company, and may be sold by them for such price as may be obtained therefor; or in default of payment of any stockholder of such instalments as aforesaid, for the space of sixty days as aforesaid, the president and managers may, at their election, cause suit to be brought in the same manner as debts of like amount are now recoverable, for the recovery of the same, together with the penalties aforesaid.

Penalty on delinquent stockholders.

SECTION 10. It may be lawful for the said president and managers, by and with their superintendents, engineers, artists, workmen and laborers, their tools and instruments, carts, wagons and other carriages and beasts of draught or burden, to enter in and upon the lands contiguous and near to which the said road shall be made or constructed, first giving notice of their intentions to the occupiers thereof, and doing as little damage thereto as possible, and making amends for damages upon a reasonable and equitable agreement by the parties; or if they cannot agree thereupon, a just and equitable assessment to be made,

Enter upon lands to construct road.

Damages, how to be ascertained.

- upon oath or affirmation, by three disinterested freeholders, or any two of them, to be mutually chosen ; or if either party, upon due notice, shall neglect or refuse to join in the choice, then to be chosen by a justice of the peace for the county wherein the said land lies, who shall not be interested therein ; *Provided*, That either party may appeal to court within thirty days after report of such assessment of damages has been made ; and after compensation has been made for such damages, or adequate security given therefor, may dig and carry away any timber, stone, sand, earth or other materials necessary or suitable for making said road.
- Proviso.**
- Accounts.** SECTION 11. The said president and managers shall keep fair and just accounts, as well of all moneys received by them, and of those paid out and expended in the prosecution of the work, and shall, at least once in every year, submit their books and accounts to a general meeting of the stockholders ; and whenever it shall be ascertained that the capital stock of the said company, is not sufficient to complete the said road, according to the true intent and meaning of this act, it shall and may be lawful for the president and managers, at a stated or special meeting, convened according to the provisions of this act, or their own by-laws, to increase the number of shares to such an extent as they shall deem sufficient to accomplish the work ; and to demand and receive the moneys subscribed for such additional shares, in like manner, and under like penalties as are provided by this act in case of the original subscriptions.
- Increase capital stock.**
- Erect bridges.** SECTION 12. The said president and managers shall have power to erect good and sufficient bridges over all the streams of water, crossed by said route, whenever the same shall be found necessary ; and shall cause a road to be laid out not exceeding sixty feet in width, and shall cause at least twenty feet of said width to be made an artificial road of wood, stone, gravel or other proper and convenient materials, such as the nature of the ground may require, and will afford to be constructed in such manner as will admit an even surface, and in no place in said road shall there be an elevation of more than five degrees from a horizontal line ; and shall forever thereafter maintain and keep the same in good order and repair.
- Width of road.**
- Construction.**
- Governor to appoint viewers.** SECTION 13. Whenever and as soon as the said company shall have finished five continuous miles or more of road, the president thereof may give notice to the governor, who shall thereupon forthwith appoint three skillful, judicious and disinterested persons to view and examine the same, report, on oath or affirmation, to him whether the said road is so far executed, in a competent and workmanlike manner, according to the true intent and meaning of this act ; and if their report shall be in the affirmative, then the governor shall, by his license, under his hand and the seal of the state, permit and suffer said company to erect and fix such and so many toll gates upon and across the said road, as will be necessary and sufficient to collect from all persons, otherwise than on foot, the same tolls which are hereinafter mentioned and authorized : *Provided*, That all persons attending funerals, military parades and training, or divine worship, shall at all times be exempted from payment of any toll on said road.
- License.**
- Proviso.**
- Exemptions from toll.**
- Toll-gatherers.** SECTION 14. The said company having perfected the said road, or such part thereof, from time to time as aforesaid, and being examined, approved and licensed as aforesaid, it shall and may be lawful for them to appoint such and so many toll-gatherers as they shall think proper, to collect and receive of and from all and every person or persons using the said road, the tolls and rates hereinafter mentioned, and stop any person riding or leading any horse, or driving any cattle, hogs or sheep,
- Tolls.**

or driving any coach, coachee, sulkey, chair, chaise, phaeton, cart, wagon, wain, sleigh, sled or other carriages of burden or pleasure, from passing through the said turnpike, or gates, until they shall have respectively paid the same; that is to say, for every five miles in length of the said road completed and licensed as aforesaid, the following sum of money, and so in proportion for any lesser or greater distance actually traveled, or for any greater or less number of sheep, hogs or cattle, to wit: for every score of hogs, six cents; for every score of sheep, six cents; for every score of cattle, twelve and one-half cents; for every horse and his rider, or led horse, three cents; for every sulkey, chair or chaise, with one horse and two wheels, six cents, and with two horses, nine cents; for every chariot, coach, phaeton or chaise, with four wheels and two horses, twelve and one-half cents; for either of the carriages last mentioned, with four horses, twenty cents; for every other carriage of pleasure, under whatsoever name it may go, the like sums, according to the number of wheels and horses drawing the same; for every sled, two cents for each horse drawing the same; for every cart or wagon, the wheels of which do not exceed the breadth of four inches, six cents for each horse drawing the same; for every cart or wagon, the wheels of which shall exceed in breadth, four inches, and not exceeding seven inches, three cents for each horse drawing the same; for every cart or wagon, the breadth of the wheels of which shall be more than seven inches, and not more than ten inches, or being of the breadth of seven inches, shall roll more than ten inches, two cents for each horse drawing the same; for every cart or wagon, the breadth of the wheels of which shall be more than ten inches, and not exceeding twelve inches, or being ten inches, shall roll more than fifteen inches, one cent for every horse drawing the same; for every cart or wagon, the breadth of the wheels of which shall be more than twelve inches, one cent for each horse drawing the same; and all carriages aforesaid, which shall be drawn by oxen in the whole, or partly by oxen and partly by horses, two oxen shall be estimated as equal to one horse, in charging all the aforesaid tolls; and every mule as equal to one horse; and if any person or persons shall represent to the said company, or any of the officers, that he, she or they have traveled a less distance than he, she or they have actually traveled along the said road, with intent to defraud the said company of their toll, or any part thereof, each person or persons shall for every such offence forfeit and pay to the use of the said company, any sum not exceeding five dollars; and if any toll-gatherer shall demand and receive greater or other toll from any person or persons than such toll-gatherer is authorized to demand and receive by virtue of this act, such toll-gatherer shall forfeit and pay the sum of twenty dollars for every such offence, to the supervisors of the township in which the forfeiture is incurred, for the repair of the roads in the said township: *Provided always*, That it shall and may be lawful for the said company, by their laws, to regulate the burthen or carriages to be drawn along said road, in such manner as shall be found from experience to be most conducive to the public convenience, and the advantage of the company.

Penalty for using  
fraudulent  
means.

Proviso.

SECTION 15. For collecting and receiving tolls, for every attempt to evade the payment thereof, for every neglect to keep the said road in good repair, for the increase, diminution and application of the tolls, the erection of index posts, and for the injuring and defacing of the same, for the regulation of the traveling on the said road, and for the limitation of actions, and for the recovery and application of fines and penalties for offences against this act, the said company shall have all the powers, authorities and privileges, and be subject to all the penalties

Further privi-  
leges and restric-  
tions.

which are given and granted by the act incorporating the Berks and Dauphin turnpike road.

Reservation.

SECTION 16. That the legislature hereby reserves the right to alter, annul or revoke the charter and privileges hereby granted, whenever, in their opinion, the same may be injurious to the citizens of this commonwealth; in such manner, however, that no injustice shall be done to the corporators; and the legislature shall have power to alter the rate of toll fixed by this act; and the managers of said company may lessen the same whenever they shall believe it necessary for the well being of the company, or the community at large.

WILLIAM F. PACKER,  
*Speaker of the House of Representatives.*

WM. F. JOHNSTON,  
*Speaker of the Senate.*

APPROVED—The eleventh day of April, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

No. 349.

## AN ACT

Vesting title to land in the school directors of the township of Bushkill, in the county of Northampton, extending the time of commencing and completing the Allegheny and Bald Eagle railroad, and relative to the Delaware and Hudson canal company.

Title vested.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That a certain lot of ground containing two acres and twenty-eight perches, situate in the township of Bushkill, and county of Northampton, adjoining lands of Paul Siegfried, Adam Heckman and Daniel Schlabach, and which has been used by the neighborhood for the purposes of a school, and upon which a school house has been erected for about forty-five years, which is still standing and in use, be and the same is hereby vested, in fee simple, in the school directors of the said township, and their successors in office, for the use of the sub-district in which the same is or may be located, and for the purpose of erecting and maintaining thereon a school house for said sub-district: *Provided,* That the timber standing, or which may grow on said lot, shall not be cut or used, except by the committee of said sub-district, and only for the purposes of fuel, repairs or re-building of said school house, or when no such committee exists, by the school directors: *And provided further,* That this act shall, in no wise, prejudice or affect any previous office right or grant of said premises, if any such there is.

Proviso.

Proviso.

SECTION 2. That the time for commencing the construction of the railroad, authorized to be constructed by the act of June twelfth, eigh-

teen hundred and thirty-nine, entitled "An Act to incorporate the Allegheny and Bald Eagle railroad, coal and iron company," be and the Bald Eagle railroad, coal and iron company, same is hereby extended for six years from the passage of this act, and the time for completing the same, is hereby extended for ten years from the same period: *Provided*, That no private property shall be taken in constructing said road, without first compensating the owner thereof for the same, or giving adequate security therefor: *And provided*, That this act shall not be so construed, as to extend the mining or manufacturing privileges granted by the original act, or the right to hold land, except so much as may be necessary for depots: *And provided further*, That the legislature hereby reserves the right to alter, revoke or annul the charter granted by the act to which this section is a supplement, wherein, in their opinion, it may be injurious to the citizens of this commonwealth; in such manner, however, that no injustice shall be done to the corporators.

**SECTION 3.** That the president and treasurer of the Delaware and Hudson canal company be and they are hereby required, before the declaration or payment of any further dividend of profits by said company, to prepare and communicate to the auditor general of this commonwealth, a statement, under oath or affirmation of said president and treasurer, setting forth the cost of all the works of said company within this state, and the amount of capital invested therein; and the stock of said company, equal in amount to the capital so invested, is hereby declared to be subject to taxation, in the same manner and at the same rate, as the stock of companies incorporated by the laws of this state is subject; and it shall be the duty of said company, upon the declaration of any dividend hereafter, to cause their treasurer to retain out of such dividend, and pay into the treasury of this commonwealth, the amount of state tax to which such portion of their capital stock may be liable; and the auditor general is hereby directed to communicate to the legislature, at its next session, a copy of the statement hereby required to be made by the said president and treasurer; and it shall be the duty of the secretary of the commonwealth, to communicate a copy of this section to the said president of the Delaware and Hudson canal company.

WILLIAM F. PACKER,  
*Speaker of the House of Representatives.*

WM. F. JOHNSTON,  
*Speaker of the Senate.*

APPROVED—The eleventh day of April, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

No. 350.

## AN ACT

Authorizing the recording of certain powers of attorney executed by Joseph Harrison, junior, and his wife, and to incorporate the Loyalsock boom company.

Preamble.

WHEREAS, Joseph Harrison, junior, a citizen of the state of Pennsylvania, now residing temporarily in Russia, executed a certain power of attorney, bearing date the seventh day of November, old style, one thousand eight hundred and forty-six, whereby he did appoint Stephen Poulterer, of the city of Philadelphia, his true and lawful attorney, for him and in his name, among other things, to enter satisfaction of record of any mortgages that should be held by him, the said Joseph Harrison, junior; and with Sarah, his wife, executed a certain other power of attorney, bearing the same date, whereby they did constitute and appoint the said Stephen Poulterer, their true and lawful attorney for them and each of them, and in their names to bargain, sell, assign, release and extinguish all and every such ground rents in the state of Pennsylvania, as did or should belong to said Joseph Harrison, junior, and to convey all their right, title, interest therein and thereto, and to make and execute the necessary deeds and assurances therefor:

*And whereas,* Each of the said powers of attorney were acknowledged by the said Joseph Harrison, junior, and the said second power of attorney, by his said wife, before Abraham Van Sassan, the acting consul for the port of St. Petersburg, in Russia, for A. P. Gibson, the consul of said port, as is certified under the common seal of the said consul:

*And whereas,* By reason of the absence of said A. P. Gibson, from St. Petersburg, the said powers cannot be duly acknowledged, and by reason of the want of authority in the said Abraham Van Sassan, to take the said acknowledgments, the said powers of attorney cannot operate according to the intention of the parties: therefore,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the said powers of attorney from the said Joseph Harrison, junior, and from Joseph Harrison, junior, and Sarah, his wife, to said Stephen Poulterer, dated the seventh day of November, old style, one thousand eight hundred and forty-six, and authenticated and acknowledged as aforesaid, may be admitted to record in the office for recording deeds, et cetera, for the city and county of Philadelphia; and when so recorded, shall be equally operative and efficacious for all the purposes of the said powers, as if the same and each of them had been duly acknowledged by the said Joseph Harrison, junior, and Sarah, his wife, before A. P. Gibson, the said consul of the United States, for the port of St. Petersburg, and were in all respects in conformity with the laws of this state.

Powers of attorney may be admitted to record.

Incorporators.  
Style.

SECTION 2. That Isaac Smith and William Woodman, and their associates and successors, be and are hereby constituted a body politic and corporate, by the name and style of "The Loyalsock boom company;" and by that name may sue and be sued, plead and be impleaded, in all courts of record or elsewhere, have a common seal to be altered



by them at pleasure, make by-laws not repugnant to the laws of this state, or of the United States, for the management of their corporate concerns, and have and enjoy all the rights and powers of a corporation. Privileges.

SECTION 3. That the said corporation are authorized and empowered to erect and maintain, on the West Branch of the river Susquehanna, between a point opposite the western line of the borough of Williamsport and the Muncy dam, such boom or booms with piers, as may be necessary for the purpose of stopping and securing logs, masts, or spars and other lumber floating upon said river, and erect such piers, side branch, or shear booms, as may be necessary for that purpose : *Provided*, That said booms be so constructed as to admit the safe passage of rafts and boats, and not impede the navigation of said river and branches thereof : *And provided also*, That all persons shall have the same privilege of landing rafts of logs, masts, spars, boards, or other lumber, and fastening the same as they have heretofore enjoyed ; and the said corporation shall construct, and at all times keep and maintain their piers and booms sufficiently strong to secure all the lumber contained therein ; but no person shall be allowed at any time to incumber said booms with rafts either of logs, or other lumber. Power to erect booms, &c.  
Proviso.  
Proviso.

SECTION 4. That if any person or persons shall suffer damage by the exercise of powers herein granted to said corporation, and the amount thereof cannot be agreed upon by the parties, nor some suitable person or persons agreed upon to estimate the same, the court of common pleas having jurisdiction in the county where the boom or booms are situated, shall upon application of the party aggrieved, cause said damages to be ascertained by three disinterested freeholders of the same county, to be appointed by the said court, and who shall make report to the said court on or before the first day of the term next after the award shall have been made, and which being confirmed by the court, shall have the effect of a judgment from the time of such confirmation : *Provided however*, That if either party be dissatisfied with the award of said commissioners, and shall at the term at which the said award is presented for confirmation, apply to said court for a trial by jury in the manner as other like cases are determined, the court shall by jury determine the amount of such damage accordingly ; and if the verdict shall not be more favorable to the party applying for the jury, than the award given by the commissioners, judgment for costs shall be rendered against the applicants ; and if the verdict be more favorable to the party applying for a jury, than was awarded by the commissioners, the applicants shall receive costs, and execution shall in either case issue upon the judgment : said corporation shall not take any private property until compensation be made, or adequate security be given therefor, before such property shall be taken. Damages, how to be ascertained and paid.  
Proviso.

SECTION 5. That if any person or persons shall wilfully or maliciously injure or destroy any of such booms or piers, or other works connected therewith, he or they shall pay treble the amount of the damages to the corporation, to be recovered by action of trespass ; and further be liable to indictment and prosecution before the court of quarter sessions, for a misdemeanor, and on conviction, shall be sentenced to pay a fine, for the use of the county, not exceeding five hundred dollars, and to suffer imprisonment in the county jail not exceeding two years. Penalty for injuring works.

SECTION 6. That it shall be the duty of the corporation to cause the passage ways or open spaces in said booms to be carefully guarded day and night, so that no lumber be permitted to escape, to raft all lumber in said booms securely and faithfully, with suitable warps and wedges, for rafting and securing the same below said boom, ten days, if the Duties of corporation.

number of logs belonging to any one man or company of men, does not exceed one hundred; if the number be over one hundred, and does not exceed three hundred, five days; and if the owner, at the expiration of the time aforesaid, has not removed the same, the corporation may remove them to some safe and convenient place, and the owners thereof shall pay such expense as may arise in the removal and securing of the same; and should any person or persons suffer any loss in consequence of the neglect or carelessness of the corporation, then the said corporation shall be accountable for such loss; the owner of the lumber shall drive it as near the main body of logs, or as near the place where they are to be rafted, as may be.

Tolls.

SECTION 7. That said corporation shall have the right to charge and collect toll or boomage upon the lumber thus boomed, rafted and secured, including warps and wedges by which they are rafted, to wit: fifty cents per thousand feet, board measure, for board logs, and a reasonable sum for finding warp, rafting and booming all square timber, spars, clapboard bolts and other lumber, in proportion to other board logs; and said tolls shall at all times be subject to the further regulations of the legislature; the corporation shall have a lien upon all logs or other lumber thus boomed, for the payment of all boomage and other expenses, until such times as the same shall be paid to the corporation: *Provided*, That in any case where spars, square or round timber, may have been rafted, to run to market, and such raft may have been staved or broken to pieces in any other way, and said logs should go into said boom by accident, or be taken in by the agents of said corporation, the said company shall deliver the same to the owner, on the production by him of reasonable evidence of his right thereto; for which they shall be entitled to twelve and a-half cents for every spar and log of square timber, and six cents for every log of round timber, to be paid by the person claiming the same.

Proviso.

Regulation for  
driving lumber  
below said booms.

SECTION 8. That should any person or persons have lumber upon said river, which they are desirous of driving below the limits of said booms, and do not wish the same to be rafted at said booms, they shall give notice in writing to said corporation, of their intentions, on or before the last day of March in each year, describing the kind of lumber, and its quantity, as near as may be, together with the marks thereon; and the corporation shall, upon the receipt of such notice, turn all such lumber through their booms as fast as the owners of said lumber wishing to raft the same below said booms may desire, and be entitled to receive as a toll or boomage, eight cents for each and every board log boomed through said booms, and a reasonable compensation for all other kinds of lumber, in proportion to board logs, and to be paid on the delivery of said logs through said booms, as aforesaid; the corporation to retain a lien on all such lumber until the toll or boomage shall have been paid.

Logs boomed or  
rafted may be  
sold.

SECTION 9. That if any logs shall be boomed, rafted and secured as aforesaid, and no person should appear to claim the same, and pay the tolls thereon, it shall be lawful for the corporation, after advertising the same sixty days, in the towns of Williamsport, Lock Haven and Muncy, with the marks thereon, if any there be, to dispose of the same to the best advantage, if no owner appear to claim the same; and the owners, at any time within two years from said sale, shall be entitled to receive the avails thereof, after deducting the tolls, expenses and necessary charges; but if not claimed within said two years, the proceeds shall be vested in the corporation, for their own use.

May hold real  
estate.

SECTION 10. That for the purposes aforesaid, the said corporation be and are hereby authorized and empowered to purchase, hold and possess

any real estate adjacent to said boom or booms, or convenient thereto, with leave to build all such buildings as may be deemed necessary for the convenient management of the affairs of said corporation; and for the same purposes their agent, and those in their employ, are hereby empowered to use and occupy the lands on the shore of said river, so far as may be necessary, at the places where said booms are erected, and at such other place or places as may be necessary for rafting and securing logs and other lumber, and not to pass and repass on foot, to and from said boom or booms, over the lands on both sides of said river, for the purpose of making repairs, from time to time, and generally for doing all matters and things necessary for the full accomplishment of the object of this corporation; subject, however, to pay such damages as may arise in the prosecution of such objects or purposes; the damages to be ascertained as in the third section of this act.

SECTION 11. That all logs rafted out of said booms, or any of the branches thereof, shall be counted or measured, and their quantity ascer- <sup>Measurement of</sup> logs. tained by some competent person or persons, to be appointed by the court of common pleas of Lycoming county, whose duty it shall be to keep an account of all such lumber as may be turned through said boom or booms, agreeably to the seventh section of this act.

SECTION 12. The legislature reserves the right to alter or repeal this <sup>Reservation.</sup> charter at any time; in such manner, however, that no injustice be done to the corporators.

WILLIAM F. PACKER,  
*Speaker of the House of Representatives.*

WM. F. JOHNSTON,  
*Speaker of the Senate.*

APPROVED—The eleventh day of April, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

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No. 351.

## AN ACT

Incorporating the First Universalist society, in the borough of Conneautville, in the county of Crawford, to declare certain creeks, in Crawford and Jefferson counties, public highways, to authorize the overseers of the poor, in Sadsbury township, Crawford county, to sell certain real estate, to legitimate Nancy Adeline Dorrell, of Crawford county, relative to the change of venue of certain suits, and to authorize the courts of quarter sessions of Washington and Fayette counties, to hold special courts.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* a corporation is hereby created by the name, style and title of “The <sup>Style.</sup> First Universalist society of the borough of Conneautville;” and by the same name shall have perpetual succession, and be able to sue and <sup>Privileges.</sup>

be sued, plead and be impleaded in all courts of law and elsewhere ; and shall be able and capable in law and equity, to take, hold and receive to them and their successors, for the use of said corporation, lands, tenements, goods and chattels of whatsoever kind, nature or quality, real, personal or mixed, which is now, or shall or may at any time hereafter become, the property of said corporation, or to be held for their use, by gifts, grants, bargains, sales, conveyances, devise, bequest or otherwise, from any person or persons whomsoever, capable of making the same ; and to grant, bargain, sell, mortgage, improve or dispose of the same, for the use of the said corporation : *Provided*, That the yearly value or income of the said estate, so held by said corporation, shall not at any time exceed the sum of two thousand five hundred dollars, and shall not be appropriated to any other than benevolent or religious uses.

**Management.** SECTION 2. The business of the said corporation shall be conducted by three trustees and one secretary ; which trustees may appoint a treasurer, and such other officers as they may from time to time deem necessary, for the better government of the said corporation, and until others are or shall be elected as is hereinafter provided. The following

**Present trustees.** named persons shall be trustees, viz : Arad Sheldon, junior, Henry S. Sweet and Ira B. Conkey, to continue in office until the last Saturday

**Annual elections.** in December, Anno Domini one thousand eight hundred and forty-eight, on which day the male members of said society shall elect three trustees and one secretary ; and on the same day annually thereafter, elect three trustees and one secretary, who shall serve one year, and until

**Vacancies.** others are elected ; and if vacancies, by death or otherwise, shall happen in the office of trustees, the remaining trustee or trustees may appoint others to supply such vacancy or vacancies, until the next general meeting of the members of said society, when another trustee or trustees shall be elected to serve until the next annual election ; and if the members of said society neglect, on the day of the annual meeting, to hold their election as is hereinbefore directed, the said corporation shall not be dissolved ; but a majority of the trustees may appoint

**Proviso.** any subsequent day, on which the election may be held : *Provided*, That notice thereof may be given in such manner as a majority of the trustees may think proper to direct, and at least ten days before said election ; and any male member of said society, at least twenty-one years of age, and who shall have, after his majority, paid at least twenty-five cents per annum for the support of said church, shall be entitled to vote for trustees and secretary.

**Powers.** SECTION 3. The said trustees, and their successors, shall have full power to enact and enforce such by-laws and ordinances as they shall think proper, for the regulation and transaction of the business of the said society ; and shall have power also to change the time of holding

**Proviso.** the general election, if the same should be deemed advisable : *Provided*, That the said by-laws and ordinances shall not be inconsistent with the constitution and laws of this state, or of the United States : *Provided*

**Proviso.** *further*, That the said corporation shall not dispose of, alien, sell or in any way incumber the real estate belonging thereto, unless with the consent of a majority of the members of said society, entitled to vote as aforesaid, who shall meet and determine upon such sale, incumbrance or purchase, as shall have been proposed.

**Part of Oil creek in Crawford county, declared a public highway.** SECTION 4. That from and after the passage of this act, the Thompson Branch of Oil creek, in the county of Crawford, from its confluence with another branch of said creek, in the township of Oil Creek, in the county aforesaid, to a saw mill built by Chancy Goodrich, in the town-

ship of Rome, and county aforesaid, be and the same is hereby declared a public highway.

**SECTION 5.** That Millstown creek, in the county of Jefferson, be and the same is hereby declared a public highway, from its mouth ten miles up the same. Millstown creek, Jefferson county, declared a public highway.

**SECTION 6.** That the overseers of the poor of the township of Sadsbury, Crawford county, be and they are hereby authorized to sell by public outcry, at Evansburg, in said township, after giving public notice of the time and place of sale, by at least three weekly publications, in one of the Crawford papers, and by five handbills put up in the most public places in the township, full twenty days before the time of sale, a certain fifteen acres of land in Sadsbury township, and a certain one or two lots in Eastport, in Sadsbury township aforesaid, as the property of Eli Foust, for the best price that may be got therefor, either in cash or on credit of one, two and three years, as the overseers may judge best, and make a deed therefor to the purchaser or purchasers, the proceeds of said sales, to be applied to the support and maintenance of the said pauper, and which the overseers for the time being shall account to the township, in the settlement of their accounts with the auditors as in all other cases. Overseers of the poor of Sadsbury township, Crawford county, authorized to sell real estate.

**SECTION 7.** That Nancy Adeline Dorrell, daughter of the late James Dorrell, deceased, of Vernon township, Crawford county, shall have and enjoy all the rights and privileges of a child born in lawful wedlock; and shall be able and capable in law, to inherit and transmit any estate of the said James Dorrell, whatsoever, as fully and completely, to all intents and purposes, as if she had been born in lawful wedlock. Nancy Adeline Dorrell, legitimated.

**SECTION 8.** That so much of the act of the twenty-sixth day of March, one thousand eight hundred and forty-six, entitled "An Act to change the venue of certain suits pending in the common pleas of Lycoming county, as relates to the removal of a certain issue there pending, in the common pleas of Lycoming county, wherein George Reidenam, is plaintiff, and Augustus E. Shulze, defendant, into the court of common pleas of Union county, be and the same is hereby repealed; and that the record of said issue be again remitted to and re-instated in the court of common pleas of Lycoming county. Act changing the venue of a suit, Reidenam vs. Shulze, from Lycoming to Union county, repealed.

**SECTION 9.** That the courts of quarter sessions, for the counties of Washington and Fayette, are authorized and required to hold special courts in their respective counties, on the first Monday of May next, for the purpose of appointing three trustees to superintend the management of the Cumberland road, as provided by the act, entitled "An Act for the more effectual preservation of the Cumberland road." Special courts to be held in Washington and Fayette counties.  
To appoint trustees for Cumberland road.

**SECTION 10.** That a certain action of ejectment now pending in the court of common pleas of Clarion county, of September term, one thousand eight hundred and forty-seven, number seventy, wherein James W. Guthrie and Samuel Wilson are plaintiffs, and Charles Evans and George Peters are defendants, be and the same is hereby transferred to the court of common pleas of Clearfield county, to be there tried, at one of the regular terms of said court, in the same manner as it might have been, if originally instituted in said last mentioned county; and the record in said action, shall be certified by the said court of common pleas of Clarion county, to the said court of common pleas of Clearfield county, for trial as aforesaid; and on final judgment, the record and proceedings had in said last mentioned court, shall be certified back to the said court of common pleas of Clarion county, and such writs of execution shall be issued thereon, as may be necessary to carry the said judgment into full effect: *Provided*, That before the said suit shall be tried in the county of Clearfield, the par- To change venue of a suit, Guthrie & Wilson vs. Evans & Peters, from Clarion to Clearfield county, for trial.  
Proviso.

ties removing the same, shall give ample security by bond, to be approved by the court of Clearfield county, that the county of Clarion shall well and truly pay the full and entire expense of said suit and trial, so as aforesaid removed.

WILLIAM F. PACKER,  
*Speaker of the House of Representatives.*

WM. F. JOHNSTON,  
*Speaker of the Senate.*

APPROVED—The eleventh day of April, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

No. 352.

## AN ACT

Relative to the Wills hospital for the relief of the indigent blind and lame; also in reference to the Mill Creek and Mine Hill railroad company; to the election of school directors in the first school district; to the division line between certain counties; to the introduction of powder into the city of Philadelphia, and to the townships of Fairfield and Summer Hill, Crawford county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* all funds or property, of whatever description, held by the mayor, aldermen and citizens of Philadelphia, in trust for "The Wills hospital for the relief of the indigent blind and lame," and the said hospital, and the lot of ground on which the same is erected, be and the same hereby is, and shall be exempted from all state, county, poor and corporation tax or taxes.

Property of the  
Wills hospital,  
exempt from  
taxation.

SECTION 2. That it shall and may be lawful for the Mill Creek and Mine Hill navigation and railroad company, to construct a railroad from any point on their present railroad, which they may deem most expedient, to the upper coal mines on said Mill creek, or to any point or points that they may deem most convenient upon the land of the Broad Mountain railroad company, upon said creek; and for that purpose they may increase their capital stock, beyond its present amount, two hundred thousand dollars, with all the powers and privileges, and subject to the same regulations and restrictions as are provided in the act incorporating said company, approved the seventh day of February, one thousand eight hundred and twenty-eight, and the several supplements thereto.

Mill Creek and  
Mine Hill navi-  
gation and rail-  
road company to  
construct addi-  
tional road.

SECTION 3. That hereafter, when any vacancy or vacancies shall occur in the board of school directors of the first section, first school district of Pennsylvania, it shall be the duty of the secretary of the board to notify the select and common councils of the city of Philadelphia of the fact, and said vacancy or vacancies shall be filled by said select and common councils, in joint meeting, as soon thereafter as may

Vacancies in the  
board of school  
directors of the  
first district, how  
supplied.

be convenient; and that so much of any law or laws as conflicts with the provisions of this section, be and the same is hereby repealed.

SECTION 4. That the court of common pleas of Blair county, with the concurrence of the court of common pleas of Cambria county, is hereby authorized and required to appoint a competent surveyor, to survey, run and mark upon the ground the division line of the counties of Blair and Cambria, beginning at or near the Three Springs, where the lines of the counties of Clearfield, Cambria and Blair intersect, and thence southerly along the Allegheny mountain, to the south-west corner of Blair county, connecting with the line of Bedford county.

Division line between Blair and Cambria counties to be run and marked by a surveyor.

SECTION 5. That the surveyor appointed agreeably to this act, shall have power and authority to employ and engage two chain carriers and one marker, to aid and assist him in running and marking said division line between the counties of Cambria and Blair; and the said surveyor shall receive three dollars per day, and the chain carriers and marker, each, one dollar per day, to be paid by the counties of Cambria and Blair, in equal proportions, on warrants drawn by the commissioners of said counties on the respective treasurers thereof.

Power of surveyor.

Compensation.

SECTION 6. The said surveyor shall commence and make the survey of the said division line, at such time as the court of common pleas of Blair county shall order and direct, and on completion thereof, shall make a draft of said division line, and furnish one copy to the secretary of the commonwealth, one copy to the commissioners of the county of Cambria, and one copy to the commissioners of Blair county.

Duty of surveyor.

SECTION 7. That Joseph F. Quay and doctor Jonathan Moyer, of Clinton county, and Nathan J. Mitchell, of Centre county, be and are hereby appointed commissioners, whose duty it shall be, or a majority of them, correctly to run, and mark distinctly the boundary line or lines between said counties, agreeably to the act of assembly creating Clinton county aforesaid; and the said commissioners shall make out two drafts, one of which shall be filed in the commissioners' office of each of the aforesaid counties; and the said commissioners shall each receive the sum of two dollars a day, for each and every day they may be necessarily employed in running and marking the said boundary line, one-half of which shall be paid out of the treasury of each of the aforesaid counties; and the said commissioners are hereby required to perform the duties enjoined by this act, on or before the first day of December next, and the report of said commissioners shall be final and conclusive.

Commissioners appointed to run and mark the division line between Clinton and Centre county.

Duties of commissioners.

SECTION 8. That Abraham M. Elder, of Centre county, Abednego Stephens, of Huntingdon county, and William Caldwell, of Blair county, be and they are hereby appointed commissioners, whose duty it shall be, or a majority of them, correctly to run, and mark distinctly the boundary line or lines between the counties of Blair and Centre, from the dividing waters of the Bald Eagle creek, to the head waters of the Moshanon creek, agreeably to the provisions of the first section of the act of seventh of January, Anno Domini, eighteen hundred and one; and the said commissioners shall make out two drafts of said line or boundaries, one of which shall be filed in the commissioners' office of each of said counties of Centre and Blair; and the said commissioners shall each receive the sum of two dollars per day, for each and every day they may be necessarily employed in running and marking the said boundary line or lines, one-half of which shall be paid out of the treasury of each of the aforesaid counties of Centre and Blair; and the said commissioners are hereby required to perform the duties enjoined by this act, on or before the first day of December next, and the report of said commissioners shall be final and conclusive.

Commissioners appointed to run and mark the division line between the counties of Blair and Centre.

Duties of commissioners.



To prevent the introduction of gun powder into the city and county of Philadelphia.

SECTION 9. That it shall and may be lawful for any one to introduce into the city and county of Philadelphia, from the state powder magazine, in any one carriage at any one time, any number of kegs of gun powder not exceeding fifteen of said kegs, to be immediately distributed for the supply of retailers ; and that so much of the sixth section of the supplement to the act, entitled "An Act for securing the city of Philadelphia from damage by gun powder," passed the fourteenth day of March, one thousand eight hundred and eighteen, as is inconsistent with this act, is hereby repealed.

Special road laws relating to Fairfield and Summerhill townships, Crawford county, repealed.

SECTION 10. That the act, entitled "An Act relative to roads and bridges in the counties of Crawford, Clearfield and Greene," approved the seventh day of May, one thousand eight hundred and forty-four, and all supplements thereto, be and the same is hereby repealed, so far as it relates to the townships of Fairfield and Summerhill, in the county of Crawford.

WILLIAM F. PACKER,  
*Speaker of the House of Representatives.*

WM. F. JOHNSTON,  
*Speaker of the Senate.*

APPROVED—The eleventh day of April, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

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No. 353.

## AN ACT

To establish a uniform line along the river Delaware, in front of the incorporated districts of the Northern Liberties and Kensington, in reference to county bridges, changing the name of Andrew Jackson Glarfke, to Andrew G. Jackson, to issuing subpoenas for witnesses by auditors, exempting the real estate of the Pennsylvania society for promoting the abolition of slavery, from taxation, in reference to fees of constables in Schuylkill county, in reference to the removal of the barn of Amos George, in the township of Blockley, county of Philadelphia, and to change the name of Dallas township, Lehigh county, to Washington, and relative to the commissioners of Kensington and Richmond, in Philadelphia county.

Board of wardens to establish a uniform line along the river Delaware.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the board of wardens of the port of Philadelphia, be and they are hereby authorized and directed, as soon as conveniently may be after the passage of this act, to regulate, define and establish an easternmost uniform line and level, extending from the north side of Vine street, to the north line of Kensington, on the river Delaware, to which line the owner or owners of property along the said Delaware front, in the incorporated districts may, and it shall be lawful for them to extend their wharves ; a plan or draft of the said line and level, to be deposited



in the office of the clerk of the court of quarter sessions of the city and county of Philadelphia, and said line so established shall be and remain unaltered.

SECTION 2. That in all cases where bridges shall have been or may be erected for a county, and deviations from or alterations in the plan contracted for, have been made by the direction of the county commissioners, where the county commissioners and builder cannot agree upon the compensation to be made therefor, it shall and may be lawful for such builder to recover any sum to which he may be justly entitled for such deviations and alterations, beyond the contract price, in an action for work, labor and service done and performed, and material found and provided.

SECTION 3. That Andrew Jackson Glarfke, of Pottsville, in the county of Schuylkill, be authorized to change his name from Andrew Jackson Glarfke, to Andrew G. Jackson; and he shall henceforth be called and known by the name of Andrew G. Jackson, and by that name shall be able and capable in law to sue and be sued, grant and receive real estate, and to do all other acts effectually, to all intents and purposes, as he could have done by his former name, if no change had been made therein.

SECTION 4. That from and after the passage of this act, any auditor or auditors appointed by any court of record within this commonwealth, in the due performance of any of the duties committed to them by said courts, shall have power to issue subpoenas to witnesses to appear before them; and if any person who shall have been duly subpoenaed to attend as aforesaid, shall neglect or refuse to attend, the auditor, or a majority of them, when more than one, shall have power to issue an attachment against such person according to the practice of the courts, directed to the sheriff or any constable of the proper county for execution.

SECTION 5. That the real estate of the Pennsylvania society for promoting the abolition of slavery, and for the relief of free negroes unlawfully held in bondage, and for improving the condition of the African race, in the city and county of Philadelphia, is hereby exempted from county, poor and corporation taxes, from and after the passage of this act, so long as the same remains the property of the said society: *Provided*, That the assessed value of said estate so exempted from taxation, shall not exceed in the whole, the sum of five thousand dollars.

SECTION 6. That the second section of the act of assembly, passed twenty-fifth day of January, eighteen hundred and thirty-six, entitled "A supplement to an act to provide for the erection of a house for the employment and support of the poor in the county of Schuylkill, relative to fees of constables in Schuylkill county, for executing orders for the relief or removal of paupers," be and the same is hereby repealed.

SECTION 7. That the board of canal commissioners be and they are hereby authorized and required to inquire into the expediency of removing the barn of Amos George, to a greater distance from the Columbia railroad, at the expense of the commonwealth, and to report thereon to the next legislature.

SECTION 8. That the commissioners of the district of Richmond, in the county of Philadelphia, are hereby vested with full power and authority to provide, by ordinance, for the suitable regulation and good condition and repair of all moveable bridges erected, or which it shall be lawful hereafter to erect, across any canal in said district: *Provided*, That the commissioners of the Kensington district in said county, shall have, possess and exercise the same authority to provide for the suitable

Relat.

count

and c

Andrew Jackson

Glarfke, name

changed to An-

drew G. Jackson.

Auditors author-  
ized to issue sub-  
pœna for wit-  
nesses.Real estate of  
Pennsylvania an-  
ti-slavery society  
exempted from  
taxation.

Proviso.

Act relative to  
poor and constab-  
les' fees in  
Schuylkill coun-  
ty, repealed.Canal commis-  
sioners to inquire  
into the expen-  
diency of remov-  
ing barn of Amos  
George.Commissioners  
of Richmond dis-  
trict, to provide  
for repair of  
bridges.

Commissioners  
of Kensington,  
shall have same  
power.

Kensington,  
Eighth ward, du-  
ties of election  
officers.

Name of Dallas  
changed to  
Washington  
township.

regulation of moveable bridges, which it shall be lawful to erect across any canal, or portion thereof in said district, as is by this section conferred on the commissioners of the Richmond district; and so much of any act as is inconsistent with this section, is hereby repealed.

SECTION 9. That the officers whose duty it shall be to conduct the first election in the Eighth ward, Kensington, in the county of Philadelphia, shall be appointed as follows: The judges chosen by the electors of the Third ward, in the Kensington district, shall appoint a judge to conduct the first election in the said Eighth ward; and each of the inspectors of the said Third ward shall appoint an inspector for the Eighth ward; and the inspectors so appointed for the Eighth ward, shall each appoint one clerk.

SECTION 10. That the name of Dallas township, in Lehigh county, be and the same is hereby changed to that of Washington; and the said township shall henceforth be called and known by the name of Washington.

WILLIAM F. PACKER,  
*Speaker of the House of Representatives.*

WM. F. JOHNSTON,  
*Speaker of the Senate.*

APPROVED—The eleventh day of April, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

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No. 354.

## AN ACT

For the relief of William Burns and other soldiers and widows of soldiers of the Revolutionary and Indian wars, and in reference to acts of incorporation and supplements thereto, passed at the present session of the legislature.

State treasurer to  
pay certain sol-  
diers.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the state treasurer be and he is hereby authorized and required to pay to William Burns, of Crawford county, Catharine Transue, widow of Elias Transue, of Monroe county, Jane M'Clary, widow of William M'Clary, of Washington county, Catharine Septer, widow of Frederick Septer, and Jane Duncan, widow of James Duncan, both of Westmoreland county, a soldier and widows of soldiers of the Revolutionary and Indian wars, or to their respective orders, an annuity of forty dollars each, during life, to be paid half-yearly, commencing on the first day of January, one thousand eight hundred and forty-eight.

State treasurer  
to pay certain  
soldiers.

SECTION 2. That the state treasurer be and he is hereby authorized and required to pay to Henry Moshier, of Westmoreland county, John Varden, of Allegheny county, John M'Cormick, of Adams county, Ohio, Henry Ruffner, of Indiana county, Theresia Herbst, widow of

Peter Herbst, of Berks county, soldiers and widows of soldiers of the Revolutionary and Indian wars, or to their respective orders, an annuity of forty dollars each, during life, to be paid half-yearly, commencing on the first day of January, one thousand eight hundred and forty-eight; and to Catharine Waitneight, widow of Jacob Waitneight, of Chester county, a soldier of the Revolutionary war, and Catharine Couch, widow of Henry Couch, of Allegheny county, a soldier of the Indian war, or to their respective orders, a gratuity of forty dollars, payable upon the passage of this act.

SECTION 3. That the state treasurer is hereby authorized and required to pay to Eue Fox, widow of Simon Fox, late of Huntingdon county, and to Thomas Duncan, of Cambria county, a soldier and widow of a soldier of the Revolutionary and Indian war, or to their respective orders, an annuity of forty dollars each, during life, payable half-yearly, to commence on the first day of January last past. State treasurer to pay certain soldiers.

SECTION 4. That the state treasurer be and he is hereby authorized and required to pay to John Staggers, of Greene county, Daniel Repine, of Indiana county, Jacob Drinkhouse, of Philadelphia county, and Solomon Keeth, of Washington county, Hosannah M'Laughlin, of Indiana county, Mary Gray, of Westmoreland county, widow of an old soldier, Jane Dean, of Crawford county, Elizabeth Jordan, of Mercer county, widows of soldiers of the Revolutionary and Indian wars, or to their respective orders, an annuity of forty dollars each, during life, to be paid half-yearly, commencing on the first day of January, one thousand eight hundred and forty-eight. Ib.

SECTION 5. That the state treasurer be and he is hereby authorized and required to pay to David Clingan, of Mercer county, a soldier, and Ann White, of Monroe county, widow of a soldier in the Indian war, or to their respective orders, a gratuity of forty dollars each, payable upon the passage of this act. Ib.

SECTION 6. That so much of the act of twelfth of April, eighteen hundred and forty-five, an act for the relief of William Burns, and so forth, as grants an annuity of forty dollars to John Good, of Ohio, and so much of the act of the seventh of April, one thousand eight hundred and forty-six, entitled "An Act for the relief of Christopher Overly, and so forth," as grants an annuity of forty dollars to John Sutherland, of Mercer county, be and the same are hereby repealed. Act granting an annuity to John Good and John Sutherland, repealed.

SECTION 7. That nothing contained in any act passed during the present session, incorporating any company, or extending the powers of any incorporated company, shall be construed to authorize any such company to take private property, without making compensation therefor, or securing it agreeably to the provisions of the constitution; and the said act shall be taken and construed as if the constitutional provision was expressly inserted therein. Relative to acts of incorporation passed at the present session of the legislature.

SECTION 8. That the state treasurer is hereby authorized and required to pay to Barbara Karmony, widow of John Karmony, of Lebanon county, late a soldier of the Revolutionary war, or to her order, forty dollars, as a gratuity, payable on the passage of this act; also, an annuity of forty dollars to Sarah Weisner, widow of Jacob Weisner, of Chester county, or to her order, payable according to existing laws. State treasurer to pay certain soldiers, &c.

WILLIAM F. PACKER,  
*Speaker of the House of Representatives.*

WM. F. JOHNSTON,  
*Speaker of the Senate.*

APPROVED—The eleventh day of April, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

No. 355.

## A N A C T

To extend and continue in force an act, entitled "An Act to authorize the governor to incorporate a company to erect a bridge over the Allegheny river, at or near Sharpsburg, in Allegheny county," and continuing in force and act passed the seventeenth day of March, one thousand eight hundred and forty-three.

Time extended.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* the act, entitled "An Act to authorize the governor to incorporate a company to erect a bridge over the Allegheny river, at or near Sharpsburg, in Allegheny county," passed on the thirteenth day of January, in the year of our Lord one thousand eight hundred and thirty-eight; and also an act continuing the same in force, passed the seventh day of March, one thousand eight hundred and forty-three, be extended in the same force and effect, upon the same terms and conditions, and for the same length of time, from and after the passage of this act, as the aforesaid act, with the act to continue the same, had and did from the date of its enactment, with full power for the survivors of the commissioners therein named, to appoint others in place of any deceased or removed from the county of Allegheny.

WILLIAM F. PACKER,

*Speaker of the House of Representatives.*

WM. F. JOHNSTON,

*Speaker of the Senate.*

APPROVED—The eleventh day of April, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

No. 356.

## S U P P L E M E N T

To an act authorizing the governor to incorporate the Susquehanna and Delaware canal and railroad company.

*Resolved by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, That it shall and may be lawful for the Susquehanna and Delaware canal and railroad company, whenever any five miles or more of their canal or railroad shall have been completed, to take tolls thereon, and upon every part of the same, and for transportation and use of the same, in the same*

manner as they might or could do upon their whole road, if completed, under the original act to which this is a supplement; and that the time for the completion of the whole road be and it is hereby extended for five years from and after the passage of this supplementary act.

WILLIAM F. PACKER,

*Speaker of the House of Representatives.*

WM. F. JOHNSTON,

*Speaker of the Senate.*

APPROVED—The eleventh day of April, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

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No. 357.

## AN ACT

For the relief of John H. Morrison, collector of tolls on the Susquehanna division of the Pennsylvania canal; fixing the age at which children shall be admitted into the schools of the first school district; relative to the taxation of bank dividends, and to undrawn donation tracts.

WHEREAS, John H. Morrison, collector of tolls on the Susquehanna division of the Pennsylvania canal, under the instructions of the state treasurer, as contained in his letter of March seventeenth, one thousand eight hundred and forty seven, received the sum of fifteen dollars in Lewistown Bank paper, which paper was at par when received for tolls; but inasmuch as the state treasurer and auditor general doubt their authority to place said money to said collector's credit, the bank having broken before said money was forwarded to the treasurer; therefore,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the auditor general and state treasurer are hereby authorized and required to examine and settle, or re-settle the claim or account of John H. Morrison, collector of tolls as aforesaid, and to allow him a credit for so much of said depreciated Lewistown Bank paper as he may have received for tolls for the use of the state, prior to the failure of said bank: *Provided,* That he shall first satisfy the said auditor general and state treasurer, by affidavit or otherwise, that the money was thus bona fide received by him, for the use of the commonwealth, previous to the failure of said bank.

Preamble.

Auditor general  
to settle claim of  
John Morrison.

SECTION 2. That the directors of the several sections of the first school district of Pennsylvania, shall not be required to admit children into the public schools who are under the age of six years; and that so much of any law or laws as is inconsistent with this section, be and the same is hereby repealed.

Admission of  
children into first  
school district,  
regulated.

**SECTION 3.** That all banks of this commonwealth, whose charters have been extended or renewed, or whose charters shall hereafter be extended or renewed, are hereby made subject to the graduated tax upon dividends provided for by the act relating to banks, passed April first, one thousand eight hundred and thirty-five, except in cases where there is an express exemption in the act extending or renewing such charter.

**SECTION 4.** *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the provisions of an act of the general assembly of this commonwealth, entitled "A supplement to the act, entitled 'An Act for the sale of the vacant lands within this commonwealth,' approved the third day of April, eighteen hundred and thirty-three," (April third, eighteen hundred and thirty-three) be and the same are hereby extended and declared to apply to all donation tracts of lands lying in any of the donation districts north and west of Ohio river and Conewango creek, in the commonwealth of Pennsylvania, as fully and effectually, as if the said donation lands had been especially named in said act referred to.

WILLIAM F. PACKER,  
*Speaker of the House of Representatives.*

WM. F. JOHNSTON,  
*Speaker of the Senate.*

APPROVED—The eleventh day of April, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

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No. 358.

## A FURTHER SUPPLEMENT

To an act, entitled "An Act relating to the elections in this commonwealth."

**SECTION 1.** *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the election for electors of president and vice president of the United States, shall, in the year of our Lord one thousand eight hundred and forty-eight, and every fourth year thereafter, be held on the Tuesday next after the first Monday in November.

Time for holding  
the election for  
president.

**SECTION 2.** Every year in which the citizens of this commonwealth shall vote for electors of president and vice president of the United States, the assessors of the several wards, townships, incorporated districts and boroughs within this commonwealth, except within the city and county of Philadelphia, shall, at all reasonable times after the second Tuesday in October in said years, and until within ten days of the time fixed by law for the election of electors of president and vice president of the United States, on the personal application of any white freeman claiming to be assessed within their proper ward, township,

Duty of assessors.

incorporated district or borough, or claiming a right to vote therein, as being between the age of twenty-one and twenty-two years, and having resided in this commonwealth one year, enter the name of such person on the list of taxable inhabitants; and said assessors shall, at least eight days previous to the day fixed for the election of said electors, make out duplicate copies of the name or names so entered, and after certifying and signing the same, shall deliver one copy to the commissioners of their respective counties, to be filed by said commissioners in their respective offices, and the other copy said assessors shall hold and hand over, without alteration or addition, to one of the inspectors of the proper election district, on or before eight o'clock on the morning of the day fixed for the election of said electors.

SECTION 3. The respective assessors shall be paid for the various Compensation of duties required by this act, the same compensation to be fixed in the assessors. same way, as is allowed and fixed by the twelfth section of the act, passed the thirteenth day of June, in the year of our Lord one thousand eight hundred and forty, entitled "A supplement to an act, entitled 'An Act relating to the elections of this commonwealth.'"

SECTION 4. It shall be the duty of the assessors and the judges and Duty of assessors inspectors of elections in the several wards and townships of the city and election office and county of Philadelphia, to meet at the place of holding their respective township or ward elections, fifteen days previous to each election of electors of president and vice president of the United States, and said assessors and inspectors shall, then and there, upon personal application, add to the list of taxable inhabitants the names of all such citizens as are constitutionally qualified to vote, who may have moved into their respective wards after the second Tuesday in October of said year, or who may have been omitted by the assessor: in performing the duties required by this act, said assessors, and the judges and inspectors of elections, shall be governed by the provisions, and shall be allowed the compensation specified in the resolution of the twenty-sixth of April, in the year of our Lord one thousand eight hundred and forty-four, entitled "Resolution to authorize the county commissioners of Philadelphia county to borrow money, and for other purposes."

WILLIAM F. PACKER,  
*Speaker of the House of Representatives.*

WM. F. JOHNSTON,  
*Speaker of the Senate.*

APPROVED—The eleventh day of April, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

No. 359.

## A N A C T

For the relief of John Donnally, of Blair county.

**SECTION 1.** *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That the canal commissioners are hereby authorized and required to examine the claim of John Donnally, of Blair county, and assess the damages, if any, and make report of the same to the next legislature.*

WILLIAM F. PACKER,

*Speaker of the House of Representatives.*

WM. F. JOHNSTON,

*Speaker of the Senate.*

APPROVED—The eleventh day of April, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

No. 360.

## A FURTHER SUPPLEMENT

To an act, entitled “An Act to incorporate the Mount Carbon railroad company.”

**SECTION 1.** *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That it shall be lawful for the Mount Carbon railroad company to construct lateral railroads, for the accommodation of persons who may desire to transport their coal, produce, merchandize, et cetera, over the said company's road, and to exercise such powers in the construction of such lateral railroads, and in charging tolls and regulating transportation over such lateral railroads, as they have been permitted by law to do, in respect to the railroad heretofore constructed by them: Provided, That the lateral railroads which may be constructed under the provisions of this act, shall not exceed one mile each, in length: And provided also, That none of the said lateral railroads shall intersect the road of the said company as now authorized by law, at any place south of the junction of the two branches of the Norwegian creek.*

WILLIAM F. PACKER,

*Speaker of the House of Representatives.*

WM. F. JOHNSTON,

*Speaker of the Senate.*

APPROVED—The eleventh day of April, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.



No. 361.

## A N A C T

To confer on Mary Ann Harper, the rights and privileges of a child born in lawful wedlock.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* Mary Ann Harper, of Dauphin county, shall have and enjoy all the rights and privileges of a child born in lawful wedlock; and shall be able and capable in law, to inherit and transmit any estate whatsoever, as fully and completely, to all intents and purposes, as if she had been born in lawful wedlock.

WILLIAM F. PACKER,  
*Speaker of the House of Representatives.*

WM. F. JOHNSTON,  
*Speaker of the Senate.*

APPROVED—The eleventh day of April, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

No. 362.

## A N A C T

Authorizing the citizens of Blakely township, Luzerne county, to elect an additional justice of the peace in said township.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* the citizens of Blakely township, in the county of Luzerne, are hereby authorized to elect an additional justice of the peace at their next annual township election; and that the said justice shall be clothed with the same powers and subject to the same penalties, as if elected under existing laws.

WILLIAM F. PACKER,  
*Speaker of the House of Representatives.*

WM. F. JOHNSTON,  
*Speaker of the Senate.*

APPROVED—The eleventh day of April, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

No. 363.

## AN ACT

To authorize Margaret Parthemore, administratrix with the will annexed of John Parthemore, deceased, to collect certain outstanding taxes of the North ward of the borough of Harrisburg, in the county of Dauphin, relative to school taxes in Manor township, Lancaster county, to the appeal of the Easton Bank, and relative to lateral railroads, and the accounts of John Foresman, of Lycoming county.

Tax warrant to John Kelker, of North ward, Harrisburg, revived and transferred to administratrix of John Parthemore, deceased.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the warrant which issued to John Kelker, to collect the taxes in the North ward of the borough of Harrisburg, in the county of Dauphin, in the year eighteen hundred and forty-three, by the commissioners of said county, is hereby revived for the space of one year from the date of this act; and that the said Margaret Parthemore, administratrix with the will annexed of John Parthemore, deceased, is hereby authorized, either by herself or her deputy, to exercise all the powers and authorities conferred on the said John Kelker, by said warrant, any law to the contrary notwithstanding.

School taxes assessed in Manor township, Lancaster county, legalized.

SECTION 2. That the taxes assessed in Manor township, Lancaster county, for common school purposes, during the year one thousand eight hundred and forty-three, be and the same are hereby declared to be legal and valid; and the collector or collectors are hereby authorized and empowered, as fully and effectually to collect the said taxes, as if the same had been regularly and legally assessed.

Appeal entered by the Easton Bank, in court of Dauphin county, validated.

SECTION 3. That the appeal entered by the Easton Bank, in the court of common pleas of Dauphin county, from the settlement of an account by the auditor general and state treasurer, be and the same is hereby validated, and shall be proceeded in to trial, as fully as if the objections and recognizance had been first filed in the office of the auditor general: *Provided*, That nothing herein contained shall be construed to release the bail in the said recognizance.

Act regulating lateral railroads, extended throughout the state.

SECTION 4. That so much of the twelfth section of the act regulating lateral railroads, passed the fifth day of May, one thousand eight hundred and thirty-two, as limits the provisions of said act to the counties of Lycoming, Luzerne, Schuylkill and Northumberland, be and the same is hereby repealed; and the provisions of the act aforesaid, and the several supplements thereto, be and the same are hereby extended throughout the commonwealth, as well to all lands lying in the vicinity of any navigable river, as to lands lying in the vicinity of any railroad, canal or slackwater navigation.

Commissioners of Lycoming county to settle account of John Foresman.

SECTION 5. That the commissioners of Lycoming county, be and they are hereby authorized to re-examine the accounts of John Foresman, for materials delivered and work done by the said Foresman, in the construction of a bridge over White Deer creek, in Washington

township, in said county, and to draw their warrant on the county treasurer for such sum as may be found due and unpaid.

WILLIAM F. PACKER,  
*Speaker of the House of Representatives.*

WM. F. JOHNSTON,  
*Speaker of the Senate.*

APPROVED—The eleventh day of April, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

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No. 364.

## AN ACT

To provide for the ordinary expenses of government, the repairs of the canals and railroads belonging to the state, and the payment of other claims upon the commonwealth.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the following sums be and they are specifically appropriated to the several objects hereinafter expressed, for the year commencing on the first day of June, eighteen hundred and forty-eight, to the first day of June, eighteen hundred and forty-nine, to be paid out of any money in the treasury not otherwise appropriated: Appropriation, objects of.

1. For the salary of the governor, three thousand dollars; for the salary of the secretary of the commonwealth, twelve hundred dollars; and the further sum of five hundred dollars as superintendent of common schools; for the salary of the deputy secretary of the commonwealth, one thousand dollars; for the salary of the auditor general, fourteen hundred dollars; for the salary of the surveyor general, twelve hundred dollars; for the salary of the attorney general, three hundred dollars; for the salary of the adjutant general, three hundred dollars; for the salary of the state treasurer, fourteen hundred dollars; for clerk hire in the department of state, three thousand dollars; for clerk hire in the auditor general's office, five thousand dollars; for clerk hire in the treasurer's office, three thousand two hundred dollars; for clerk hire in the surveyor general's office, four thousand one hundred dollars; for the salary of the state librarian, five hundred dollars. Salary of executive and other departments.  
Clerk hire in various departments.

2. For the payment of messengers in executive and state departments, including the department of common schools and canal commissioners' office, eight hundred dollars; for the payment of other contingent expenses in the executive and state departments, to wit: for stationery, five hundred and fifty dollars; for postage, one thousand and fifty dollars; for light and fuel, sixty dollars; for cleaning of office and chambers, twenty-five dollars. Contingent expenses of executive and state departments.

- For auditor general's office. 3. For the payment of contingent expenses in the office of the auditor general, to wit: for messenger, three hundred dollars; for postage, four hundred dollars; for stationery, two hundred dollars; for fuel and lights, seventy-five dollars; for miscellaneous expenses, thirty dollars.
- For state treasurer's office. 4. For the payment of contingent expenses of the office of the state treasurer, to wit: for messenger and night watch, four hundred dollars; for postage, three hundred dollars; for stationery and blank books, one hundred dollars; for lights and fuel, sixty dollars; for miscellaneous expenses, twenty dollars.
- For surveyor general's office. 5. For the payment of the contingent expenses in the surveyor general's office, to wit: for messenger, three hundred and sixty dollars; for postage, one hundred and twenty-five dollars; also, thirty dollars for postage, being a probable deficiency in the appropriation for the year ending first June, eighteen hundred and forty-eight; for stationery and blank books, two hundred dollars; for cleaning offices and board room, thirty-five dollars; for fuel and light, seventy-five dollars; for repairs and miscellaneous expenses, thirty-five dollars.
- For printing, &c. 6. For the public printing, folding, stitching and binding, twenty-one thousand five hundred dollars.
- Publishing and distributing laws, &c. 7. For publishing the laws in newspapers, one hundred dollars; and for packing and distributing the printed laws and journals of the legislature, seven hundred dollars; the services of such packing and distribution to be assigned by the secretary of the commonwealth, to the lowest bidder or bidders for the same.
- Repair of public grounds. For keeping in repair the public grounds, two hundred dollars; to be disbursed by the secretary of the commonwealth, and the accounts to be settled in the usual manner.
- State library. For the state library, eight hundred dollars, to be drawn, expended and disbursed under the direction of the joint committee on the library, the accounts for which to be settled in the usual manner. If, after J. P. Sanderson, late chairman of the joint committee of the library, shall have settled his accounts with the accounting officers, there shall remain a balance of last year's appropriation for the state library, unexpended, the said J. P. Sanderson is hereby authorized and empowered to pay such balance to the present chairman of the joint library committee, for the use of the state library, to be accounted for and settled by him in the usual manner.
- Borough of Harrisburg. For the payment to the borough of Harrisburg, for supplying the public buildings with water, per act of April twenty-eighth, one thousand eight hundred and forty, six hundred dollars.
- Legislative expenses. For the payment of the expenses of the legislature, including pay of members, clerks, officers and contingent expenses, eighty thousand dollars.
- Miscellaneous. For miscellaneous expenses, two thousand dollars.
- Collectors, &c. and lock-keepers. For compensation of collectors, weigh-masters and inspectors, and incidental expenses of their offices, thirty-two thousand dollars; for compensation of lock-keepers, thirty-five thousand five hundred dollars; and the appropriations contained in this division may be paid out as the interests of the public service require, at any time after the passage of this act.
- Canals and railroads. For repairs, ordinary and extraordinary, on the canals and railroads belonging to the commonwealth, during the present year, in addition to the amounts appropriated by the acts of January twelfth and February ninth, one thousand eight hundred and forty-eight, two hundred and eighty-seven thousand eight hundred and sixty dollars; for ordinary repairs, after the first day of December next, fifty thousand dollars:
- Proviso. *Provided*, No part of the said sum of fifty thousand dollars shall be

expended before the first day of December next, except so much of the same as may be necessary for the purchase and preparation of materials for executing repairs after said period: *And provided further*, That Proviso. the appropriations herein made, for the expenses of the canals and railroads of the commonwealth, may be paid as the interests of the public service may require, after the passage of this act, except the above-mentioned sum of fifty thousand dollars, for repairs after the first day of December next: *And provided also*, That if the amount Proviso. hereby appropriated for extraordinary repairs shall not be sufficient, during the present year, the canal commissioners are hereby authorized to draw such additional amount out of the state treasury, not exceeding fifty thousand dollars, as will make up such deficiency.

For the payment of balances due on account of the construction of Eastern reservoir. the Eastern reservoir, two thousand five hundred and sixty-six dollars and seventeen cents.

For motive power expenses, and repairing and maintaining trucks Motive power. on the Columbia railroad, one hundred and seventy thousand dollars, and for motive power expenses, and maintaining ropes, trucks and passenger cars, on the Allegheny Portage railroad, one hundred and fifteen thousand dollars; the several sums to be drawn and disbursed, under the direction of the canal commissioners, in the same manner as the repair fund is now drawn and disbursed; and hereafter all receipts for motive power, and use of trucks, shall be paid into the treasury, as other revenues of the State are now paid; and the balance which at present appears on the books of the auditor general, in favor of said fund, is hereby merged in and made part of the general funds of the treasury: *Provided*, That the superintendent of the Columbia railroad Proviso. shall at no time be entitled to draw from the treasury, a greater amount than fifteen thousand dollars, unless his accounts for previous disbursements, shall have been settled in full.

For the payment of the canal commissioners, three thousand two hundred and eighty-five dollars; for secretary and clerk hire, in the Canal commissioners, secretary and contingent expenses. office of the canal commissioners, one thousand dollars; for contingent expenses of canal commissioners' office, to wit: for postage, two hundred and sixty-five dollars; for stationery, one hundred and fifty dollars; advertising, fifty dollars; for lights, cleaning office and miscellaneous expenses, one hundred and fifty dollars.

For damages awarded by the canal commissioners, under special and For damages awarded by canal commissioners. general laws, the following sums, to wit:

To John Waldron and company, contractors for section number thirty six, of the Tioga line, of the North Branch extension, eight hundred and fifty-five dollars and forty-four cents.

To M'Kown and Flood, contractors for cleaning out the Monongahela branch of the western division of the Pennsylvania canal, nine hundred and sixty dollars.

To William P. and Samuel Brady, contractors for section on the Wiconisco canal, two hundred and twenty dollars.

To Richard White, fifteen dollars.

To John Simons, five hundred and twenty-five dollars.

To Benjamin Miller, one hundred and five dollars.

To Priscilla Cohill, fifty-five dollars.

To Mary Reese, twenty-two dollars.

To Thomas Roney, one hundred and twenty-five dollars.

To James Rutledge, one hundred dollars.

To Peter Schoenberger, two thousand four hundred and sixty dollars.

To John S. Ingram, one thousand three hundred dollars.

To James A. Thompson, one hundred and twenty-five dollars.

To William Magaw, for damages sustained on the French Creek feeder dam, three thousand dollars.

To the legal representatives of Henry John Shaubell, deceased, fifteen dollars.

To Solomon Martz, two dollars and fifty cents.

To R. H. Duncan, one hundred and five dollars.

To Andrew Reiter, six hundred and twenty-four dollars.

To the heirs of Philip Gossler, one hundred and eighty-five dollars.

To Robert Young, twenty-five dollars.

To Lewis Dewart, twenty-five dollars.

To David W. Hulings, one hundred and fifty dollars.

To Paul Hamilton, fifty dollars.

To Isaac Philips, thirty dollars.

To the executors of John Smith, Jr., deceased, five dollars.

To the executors of Joseph Dilworth, and administrators of William Dilworth, deceased, to convey to the commonwealth a certain lock-house and lot of land in Bucks county, two hundred and eighty dollars.

To Henry Grubb, six dollars.

To Alfred Royer, for damages sustained on the Allegheny Portage railroad, one hundred and seventy-five dollars.

To Dennis Brawley, for damages sustained on the Columbia and Allegheny Portage railroad, two hundred and seventy-five dollars.

To Benjamin Maul, for constructing a fence on the Columbia railroad, one hundred and twenty-five dollars.

To William F. Johnston, for compensation for a lot of ground for a lock-house, in the borough of Freeport, Armstrong county, five hundred and fifty dollars.

To Samuel Parke and brothers, as compensation for removing their barn, situated at Parkesburg, beyond the reach of sparks from locomotive engines, four hundred and seventy-five dollars.

To Benjamin J. Miller, as compensation for removing his barn, situated at Coatesville, beyond the reach of sparks from locomotive engines, four hundred and fifty dollars.

To Thomas B. Lytle, five hundred and fifty dollars, in compensation for property destroyed by fire on the Columbia railroad.

To Dickey, Hawk and Marshall, thirteen hundred dollars.

To Samuel G. Ramsey, for work done on the Shenango line, Erie extension, in eighteen hundred and forty-one, as awarded by the canal commissioners, two hundred and sixty-seven dollars and thirty-five cents.

To Randal Evans, two hundred and seventy-seven dollars and seventy-eight cents, for damages sustained by fire on the Columbia railroad.

The several sums appropriated in this division, to be paid upon the warrants of the canal commissioners, after the parties entitled to receive the same, shall have executed releases in full, to the commonwealth.

Common schools. For the support of common schools, two hundred thousand dollars, to be paid on warrants issued by the superintendent of common schools, to the several accepting school districts in the commonwealth, in proportion to the number of taxable inhabitants in said districts, respectively.

Common school system deemed to be adopted in the several districts. That the common school system, from and after the passage of this act, shall be deemed, held, and taken to be adopted by the several school districts in this commonwealth, and that the school directors of the respective school districts from which the undrawn school appropriations were taken, by the act of the twenty-ninth of April, one thousand eight hundred and forty-four, entitled "An Act to reduce the State debt, and to incorporate the Pennsylvania canal and railroad com-

pany," shall during the month of May, of the present year, levy and assess a tax as required by existing laws, to enable school districts to receive their portion of the State appropriation; and each of said school districts in which a tax shall be so levied and assessed as aforesaid, shall thereupon receive its portion of the aforesaid appropriation of two hundred thousand dollars, and shall be entitled to a deduction of twenty-five per cent. of all moneys paid into the county treasury by such district, for state purposes, during the two next ensuing school years, which money so deducted, shall be paid to the treasurer of the board of school directors of such school district, and shall be exclusively appropriated to the erection of school houses in such school districts.

For the payment of pensions and gratuities, twenty-five thousand Pensions.  
dollars.

For the House of Refuge, four thousand dollars; for the Pennsyl- House of Refuge,  
vania institution for the instruction of the blind, nine thousand dollars; &c.  
for the instruction of the indigent pupils in the Pennsylvania institution  
for the deaf and dumb, thirteen thousand dollars.

For the payment of the salaries of officers of the Eastern peniten- Eastern and  
tiary, eight thousand dollars, and for the payment of officers in the Western peni-  
Western penitentiary, six thousand three hundred and fifteen dollars; tentiaries.  
for the payment of gratuities to discharged convicts, fifteen hundred  
dollars, two-thirds to the Eastern, and one-third to the Western peni-  
tentiary, to be expended at the discretion of the respective boards of  
inspectors: *Provided however*, That a larger sum than fifteen dollars Proviso.  
shall not be given to any one discharged convict.

For the payment of the expenses of the judiciary, to wit: For the Judiciary.  
salary of the chief justice of the supreme court, three thousand six  
hundred and sixty six dollars and sixty-six cents; for the salaries of  
each of the associate justices of the same court, whose commissions  
bear date subsequent to the seventeenth day of April, one thousand  
eight hundred and forty-three, sixteen hundred dollars; for the salary  
of one associate justice of the same court, whose commission bears  
date prior to the seventeenth day of April, one thousand eight hun-  
dred and forty-three, two thousand four hundred dollars.

For the daily pay of the justices of the supreme court, five thou-  
sand five hundred dollars: *Provided however*, That the said justices  
shall not be allowed daily pay, except for the days employed in travel-  
ing, and in discharge of their judicial duties while the court was in  
actual session.

For the salary of the president judge and three associate judges of  
the first judicial district, two thousand six hundred dollars to each of  
said judges.

For the salaries of the president and two associate judges of the  
district court for the city and county of Philadelphia, six thousand  
dollars; that is to say, two thousand dollars for each of said judges.

For the salary of the president judge of the second judicial district,  
sixteen hundred dollars.

For the salary of the president judge of the district court for the city  
and county of Lancaster, two thousand dollars.

For the salary of the president judge of the third judicial district,  
sixteen hundred dollars.

For the salary of the president judge of the fourth judicial district,  
two thousand dollars.

For the salary of the president judge of the fifth judicial district,  
two thousand five hundred dollars.

For the salaries of the president judge and one associate judge of the district court for the county of Allegheny, the sum of two thousand dollars to each of said judges.

For the salary of the president judge of the sixth judicial district, sixteen hundred dollars.

For the salary of the president judge of the seventh judicial district, sixteen hundred dollars.

For the salary of the president judge of the eighth judicial district, sixteen hundred dollars.

For the salary of the president judge of the ninth judicial district, two thousand dollars.

For the salary of the president judge of the tenth judicial district, sixteen hundred dollars.

For the salary of the president judge of the eleventh judicial district, two thousand dollars.

For the salary of the president judge of the twelfth judicial district, sixteen hundred dollars.

For the salary of the president judge of the thirteenth judicial district, two thousand dollars.

For the salary of the president judge of the fourteenth judicial district, sixteen hundred dollars.

For the salary of the president judge of the fifteenth judicial district, sixteen hundred dollars.

For the salary of the president judge of the sixteenth judicial district, two thousand dollars.

For the salary of the president judge of the seventeenth judicial district, two thousand dollars.

For the salary of the president judge of the eighteenth judicial district, two thousand dollars.

For the salary of the president judge of the nineteenth judicial district, sixteen hundred dollars.

For the salary of the president judge of the twentieth judicial district, two thousand dollars.

For the salary of the president judge of the twenty-first judicial district, sixteen hundred dollars.

For the salary of the recorder of the mayor's court of Lancaster, six hundred dollars.

For the mileage of the president judges of the several judicial districts, five thousand dollars.

For the salaries and mileage of the associate judges in the several counties of this commonwealth, sixteen thousand five hundred dollars.

For the payment of interest on certificates issued to domestic creditors, five thousand dollars; and the state treasurer is hereby required to cancel all certificates held not exceeding two hundred dollars in amount; for which eleven thousand dollars is hereby appropriated.

For the payment of the guaranty to the Danville and Pottsville railroad company, per act of April, eighteen hundred and forty-four, fifteen thousand dollars; for the payment on account of the guaranty to the Bald Eagle and Spring Creek navigation company, per act of seventh April, eighteen hundred and thirty-five, ten thousand dollars; for the payment on account of the guaranty to the Tioga navigation company, per act of fourteenth April, eighteen hundred and thirty-five, seven thousand five hundred dollars: *Provided*, That the sums hereby appropriated, shall not be paid out until the semi-annual interest on the funded debt of the commonwealth, falling due on the first day of August next, shall have been paid in full.

Interest due to  
domestic credi-  
tors.

Guaranty Dan-  
ville and Potts-  
ville railroad.

Bald Eagle and  
Spring Creek na-  
vigation co.

Tioga navigation  
company.

Proviso.



For the payment of militia expenses, including salaries of brigade inspectors, twenty-two thousand dollars; no part of which shall be paid to the brigade inspectors, or any of them, until they shall have settled their accounts, as directed by law. Militia.

For the payment of the prothonotary of the county of Montgomery, the sum of eighty-two dollars and thirty-three cents, for the cost in the suit of the commonwealth of Pennsylvania *vs.* John Patterson: *Provided*, The same is found to be due him by the auditor general. Prothonotary of Montgomery co. Proviso.

To D. H. Gulick, sixty dollars, as compensation for damages sustained by him by reason of the construction of the Pennsylvania canal. D. H. Gulick, canal damages.

For the payment of John S. Bryan, late prothonotary of the county of Bucks, fifty-three dollars and eighteen cents, being a balance due for money overpaid by him into the state treasury. J. S. Bryan, prothonotary of Bucks county.

For the survey of a route to avoid the inclined plane on the Columbia railroad, three hundred dollars, to be expended under the direction of the board of canal commissioners, or so much of the same as may be required for the purpose. For survey to avoid inclined plane.

For the payment to George W. Oliver, contractor on the Allegheny feeder, the sum of seventy-five dollars, balance due him and remaining unpaid, according to an estimate made sixteenth November, one thousand eight hundred and thirty-eight, as appears from the records in the auditor general's office. Geo. W. Oliver, canal contractor.

For compensation and contingent expenses of the board of revenue commissioners, two thousand three hundred and eleven dollars and two cents. Revenue commissioners.

For compensation and contingent expenses of electors of president and vice president, the sum of eight hundred dollars. Electors of president and vice president.

For the payment of James Maginnis, the sum of fifty-seven dollars, being the amount expended by him in arresting Gersham Levi, in pursuance of a requisition obtained from the governor of this state, directed to the governor of Maryland. Fugitives.

For the payment to Gideon J. Ball, late treasurer of Erie county, the sum of twelve dollars and eighty-one cents, balance overpaid by him to the state treasurer. G. J. Ball, treasurer of Erie co.

To Levi F. Franks, as compensation for services rendered as clerk of the committee appointed to examine the contested seat for Luzerne county, at the present session, twenty-four dollars. Contested election expenses.

For the payment of costs in escheat cases, one hundred and ten dollars and ninety-nine cents. Escheats.

For the payment of check-roll and bill creditors, on the finished lines of canals and railroads, fifteen hundred dollars, to be expended under the direction of the board of canal commissioners. Check roll and bill creditors.

To Henry H. Lutz, for services rendered as commissary, in one thousand eight hundred and thirty-eight, sixty-four dollars and fifty cents. H. H. Lutz, commissary.

To Theophilus Fenn, for publishing Legislative Record, two hundred and thirty-seven dollars. Publishing Legislative Record.

To put a new roof on executive chambers, and for painting and repairing the capitol, fourteen hundred and fifty-nine dollars, to be expended under the direction of the chairman of the joint committee on public buildings, and the accounts to be settled in the usual manner: *Provided*, That said chairman shall be entitled to receive such compensation as shall be just and reasonable for his personal services. Repairs of public buildings. Proviso.

For the purchase of the right to use Keagy and Shimer's patent spark arrester, a sum not exceeding four thousand dollars: *Provided*, The canal commissioners shall deem the invention valuable and its purchase expedient. For purchasing spark arrester.

Repairs of powder magazine. For putting on a fire-proof roof, and repairing other buildings attached to the state powder magazine, in Philadelphia county, one thousand dollars, to be expended under the direction of the superintendent, the accounts to be settled by the auditor general; and hereafter the charge for storage in the said magazine, shall be two cents more per keg than is chargeable under the existing laws: *Provided*, That it shall be the duty of said superintendent, during the month of January of every year, to make return, under oath, to the auditor general, of the number of kegs of powder stored in said magazine during the preceding year, and shall pay into the state treasury the amount received by him, under this act, until the sum so paid shall amount to the sum hereby appropriated, when the authority hereby given to said superintendent, to charge the extra sum of two cents storage per keg, shall cease and determine.

Proviso.

Printing.

To John S. Chappell, for printing done for the commonwealth, by direction of the superintendent on the Erie extension canal, thirty dollars.

For payment of interest on funded debt.

SECTION 2. That the state treasurer is hereby authorized, if he shall deem it necessary to secure the payment of the interest upon the funded debt of the commonwealth, falling due on the first day of August next, to borrow on temporary loan, a sum not exceeding two hundred thousand dollars; and certificates of loan, signed by the auditor general, and countersigned by the state treasurer, shall be issued for the sum borrowed by authority of this section, bearing an interest not exceeding the rate of six per cent. per annum, and reimbursable within ninety days; and the faith of the State is hereby pledged for the re-payment of such loan, out of the first receipts at the treasury.

Collectors of tax may sustain suits.

SECTION 3. The provisions of the fiftieth section of an act of the general assembly of this commonwealth, entitled "An Act relating to county rates and levies, and township rates and levies," passed April fifteenth, one thousand eight hundred and thirty-four, shall not be so construed as to prohibit a collector of taxes from instituting suit or suits for the recovery of taxes due and unpaid, at any time after the expiration of his warrant; but in all cases where taxes are due and unpaid to any collector, after the expiration of his warrant, when such collector has not been legally exonerated therefrom, every such collector, or person, his executors, administrators, or any of them, is hereby declared to have full right and power to sue for and recover the same, with interest thereon, after the expiration of his warrant as aforesaid, from all and every person and persons, bodies politic and corporate, owing the same, as other debts of like amount are now by law recoverable.

Auditor general and state treasurer to issue new certificates for loan funded.

SECTION 4. That the auditor general and state treasurer are hereby authorized and required, upon the application of the holder or holders of any of the loan funded under the act of May fourth, one thousand eight hundred and forty-one, to cancel the certificates they now hold, and in lieu thereof, issue new ones, for the same amounts, bearing interest at the rate of six per cent. per annum, payable semi annually; and any bank which shall redeem the notes issued by said bank, under the act of fourth May, one thousand eight hundred and forty-one, shall be entitled to receive certificates of state stock bearing interest at six per cent. per annum, payable semi-annually, on the first days of January and July, which stock shall be redeemable at the end of five years from the passage of this act; and it shall be the duty of the auditor general to issue certificates of stock, as above-mentioned, for said notes, when presented in sums of not less than one thousand dollars; and he shall forthwith cause said notes to be immediately cancelled and destroyed.

SECTION 5 That if any appropriations made by this act, for any of the purposes therein specified, shall be more than sufficient therefor, the balance shall not be applied to any other purpose, but shall remain in the treasury, subject to future legislation. Restriction.

SECTION 6. That William A. Crabb, Henry L. Benner, Benjamin Matthias, John P. Sanderson and Abraham Olwine, be and they are hereby authorized and empowered to examine the claims against the state library, for debts incurred prior to the first day of January, one thousand eight hundred and forty-seven, and report to the auditor general, on or before the first day of June next, the amount, if any, which each of said claimants is justly entitled to receive; and the auditor general is hereby authorized and required to draw his warrant upon the state treasurer in favor of such claimant, for the amount awarded in his favor by the aforesaid examiners; for the payment of which said warrants, a sum not exceeding two thousand dollars, is hereby appropriated : *Provided*, That no item of any account shall be allowed, unless the same shall have been contracted by the authority of the committee of the library, for the year during which the same was contracted: *And provided further*, That the necessary expenses incurred by said examiners, shall be allowed by the auditor general, out of the aforesaid appropriation. Claims against the state library to be examined and paid. Proviso. Proviso.

WILLIAM F. PACKER,

*Speaker of the House of Representatives.*

WM. F. JOHNSTON,

*Speaker of the Senate.*

APPROVED—The eleventh day of April, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

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No. 365.

## AN ACT

Authorizing the executors of doctor Samuel Du Fresne, of the city of Lancaster, deceased, to sell certain real estate, and relating to discharge of insolvent applicants, and so forth.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and, it is hereby enacted by the authority of the same,* That George H. Bomberger and Henry G. Long, executors of the last will and testament of doctor Samuel Du Fresne, late of the city of Lancaster, be and they are hereby authorized and empowered to sell together, or in separate parcels, all the right, title, interest, claim and demand of the said doctor Samuel Du Fresne, deceased, at the time of his death, of and to certain real estate situated in the city of Lancaster, devised by the said last will and testament, to the said executors, in trust for the benefit of Elizabeth L. Stevenson, now Elizabeth L. Shriver, wife of Edward Shriver, during her natural life, and after her death, in fee simple to her children, should she leave any, but if not, then in fee simple to the Orphans' asylum in the city of Philadelphia; and that the said executors make and execute to the purchaser or purchasers thereof, good and sufficient conveyances in law for the same, and the

Executors of Dr. Samuel Du Fresne, to sell certain real estate.

Proviso.

proceeds arising from the sale of said real estate, after payment of all the necessary expenses, shall be placed out at interest; and the said interest to be applied, as is directed by said last will and testament, with regard to the income or rents of said real estate; the principal also, to be distributed at the time, and in the manner, as directed by the said last will and testament: *Provided*, That the said executors, before said sale be made, shall give bond to the commonwealth for the use of all persons interested, with such sureties as the orphans' court of Lancaster county shall approve, conditioned for the faithful performance of their duties as executors and trustees of said last will and testament.

Insolvents under sentence of criminal court may be released.

SECTION 2. That any applicant for the benefit of the insolvent laws, who is, or may hereafter be in confinement under sentence of any criminal court, and who shall be entitled to be released from such confinement, on a compliance with the provisions of existing acts of assembly, shall be released on giving bond, as in civil cases.

Acknowledgment of deeds validated.

SECTION 3. That the provisions contained in the fifteenth and sixteenth sections of the act of sixteenth April, one thousand eight hundred and forty, entitled "An Act incorporating the Ebenezer Methodist Episcopal congregation of the borough of Reading, and for other purposes," be and the same are hereby re-enacted, as fully and effectually, as if the same were herein set forth in extenso.

WILLIAM F. PACKER,  
*Speaker of the House of Representatives.*  
WM. F. JOHNSTON,  
*Speaker of the Senate.*

APPROVED—The eleventh day of April, one thousand eight hundred and forty-eight.  
FRS. R. SHUNK.

No. 366.

AN ACT

Relative to public schools.

Admission of children into public schools of Philadelphia, regulated.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the directors of the several school sections of the city and county of Philadelphia, shall not be required to admit children into the public schools who are under the age of six years; and that so much of any law or laws as is inconsistent with the foregoing, be and the same is hereby repealed.

Discretionary power.

SECTION 2. That the said directors as aforesaid may, at their discretion, admit into the said public schools pupils between the ages of fourteen and sixteen years.

Quorum.  
Power to create vacancies.

SECTION 3. That hereafter twenty members of the board of school directors of the first section, first school district of Pennsylvania, shall constitute a quorum; and the board shall have power to make by-laws

vacating the seats of members who do not give proper attention to the duties of their office.

SECTION 4. That the directors of the several school districts in this commonwealth, excepting those in the city and county of Philadelphia, shall not be required to admit children into the public schools who are under the age of five years; and that so much of any law or laws as is inconsistent with the provisions of this section, be and the same is hereby repealed.

Admission of children into the common schools of the state regulated.

SECTION 5. That the appropriation required to be made by the second section of the act of fifteenth March, one thousand eight hundred and forty-seven, by the commissioners of Potter county, to the several school districts in said county, shall be made in proportion to the number of resident taxables in the said districts, instead of the amount of school taxes assessed in the said districts, as directed by the said second section of said act.

Relative to common schools in Potter county.

SECTION 6. That so much of any law or laws as are by this act altered or supplied, are hereby repealed.

Repeal.

WILLIAM F. PACKER,  
*Speaker of the House of Representatives.*

WM. F. JOHNSTON,  
*Speaker of the Senate.*

APPROVED—The eleventh day of April, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

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No. 367.

## AN ACT

To annul the marriage contract of Robert Henry Leese and Elizabeth Allen Leese.

*Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the marriage contract entered into between Robert Henry Leese and Elizabeth Allen Leese, be and the same is hereby annulled and made void, and the parties released and discharged from said contract, and from all the duties and obligations arising therefrom, as fully, effectually and absolutely as if they had never been joined in marriage.

WILLIAM F. PACKER,  
*Speaker of the House of Representatives.*

WM. F. JOHNSTON,  
*Speaker of the Senate.*

APPROVED—The eleventh day of April, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

No. 368.

## AN ACT

To incorporate the Philadelphia and Atlantic steam navigation company.

Preamble.	<p>WHEREAS, It is manifest that the commerce between the city of Philadelphia and foreign countries, as well as other parts of the United States, would be greatly increased by the establishment of regular lines of steam vessels navigating the ocean to and from that city, and that thereby the agricultural, manufacturing and mining interests of the state would be greatly benefitted, and the revenues of the public works increased :</p> <p><i>And whereas,</i> The due and safe construction of such steam vessels will require the employment of large amounts of capital beyond the ability of individual citizens; therefore,</p> <p>SECTION 1. <i>Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,</i> That</p>
Commissioners.	<p>David S. Brown, Ambrose W. Thompson, James Magee, Benjamin W. Tingley, Hugh Elliott, James Page, Thomas L. Kane, David Faust, W. L. Springs, R. F. Loper, N. B. Thompson, William M. Godwin, Hugh Campbell and Horn R. Kneass, shall be and they are hereby appointed commissioners for the purposes hereinafter mentioned; that is to say, they, or a majority of them, after giving two weeks' notice in two or more newspapers published in the city of Philadelphia, and such other cities as they may deem advisable, of the time and places by them appointed for that purpose, shall procure, open, and keep open for at least four hours in each day, for three successive days, a suitable book or books, and receive subscriptions therein from all persons duly qualified and desirous of taking stock in the company, to be incorporated in pursuance of this act; and the form of such subscription shall be as follows, viz:—"We whose names are hereunto subscribed, do severally promise to pay to the Philadelphia and Atlantic steam navigation company, the sum of one hundred dollars for each and every share of stock set opposite to our respective names, at such times, and in such instalments, as the managers of the said company may require;" and the said persons at the time of subscribing, or at such other time within sixty days thereafter, as the commissioners may determine, shall pay to the said commissioners an instalment of five dollars on each share of stock by them respectively subscribed; and when three hundred or more shares of said stock shall have been bona fide subscribed, and five dollars on each share paid thereon to the commissioners, as aforesaid, the said commissioners, or a majority of them, shall certify the same to the governor, three of whom, at least, shall verify the statements contained in said certificate, by their affidavit, before some alderman or justice of the peace, whereupon the governor shall, by letters patent under the seal of the commonwealth, create and constitute the subscribers, and those who may thereafter subscribe to the stock of the said company, their successors and assigns, a body corporate and politic, by the name, style and title of "The Philadelphia and Atlantic steam navigation company;" and by the said name, style and title, the said company shall have perpetual succession, and be able</p>
Open books.	
Form of subscription.	
Governor, letters patent.	
Style.	
Privileges and powers.	

and capable in law to sue and be sued, plead and be impleaded, and to receive, possess, employ and dispose of ships and vessels, with their appurtenances and the steam engines and other machinery, necessary and proper for the propulsion and navigation thereof, and to hold and use all necessary and convenient easements for lading and unlading, receiving and delivering merchandize transported, or to be transported in such ships and vessels, so to be customarily navigated by steam; and further, to have all such other rights and powers as may be properly incident to a corporation, having for its object the navigation of the ocean, bays and rivers by steam power, and the transportation of goods, wares and merchandize, and the conveyance of passengers, by means of such navigation, to and from the city of Philadelphia: *Provided however*, That nothing herein contained, shall be construed to confer *Proviso.* on the said corporation any banking, trading or mining privileges, or the right to hold real estate, other than wharves and store houses necessary for the transaction of the business of the company: *And provided also*, That it shall not be lawful for the said corporation, at any time, *Proviso.* to contract debts exceeding, in amount, the one-half of the capital stock actually paid in.

**SECTION 2.** The stockholders in said company, when incorporated as aforesaid, or as soon thereafter as may be convenient, shall meet at such time and place as may be designated by a majority of the commis- *Organization.* sioners, of which at least one week's previous notice shall be given in not less than two newspapers in the city of Philadelphia, and elect, by ballot, five managers to conduct and manage the affairs of the said company, until the first Tuesday in February following, and until others *Annual meetings.* are elected in their stead; and on the said first Tuesday in February following, and annually thereafter, of which at least two weeks' previous public notice shall, in each case, be given as aforesaid, the said stockholders, in such manner and at such places as may be determined by the by-laws of said company, shall elect five managers to conduct and *Elect managers.* manage the affairs of the said company for the year ensuing; but if the said election, from any cause, shall not take place when by this act it ought to have taken place, the said corporation shall not for that cause be dissolved; but the said election may be held within forty days thereafter, or at such time as a majority of the stockholders may determine, upon previous notice being given of the time and place as aforesaid; each share of stock shall entitle the holder thereof to one vote, at any *Votes.* general meeting or election of said company; but no person shall vote by proxy, except such as are not residents of the city and county of Philadelphia, nor shall any one person be entitled to more than one-sixth of the whole number of votes to which the holders of all the shares in the capital stock of said company would be entitled; a majority of the directors shall form a quorum for the transaction of business, *Quorum.* and at their first meeting after an election as aforesaid, they shall choose one of their number to be president, and some fitting person to be trea- *Powers of mana-* surer, and may, from time to time, appoint such other officers and *gers.* agents as, in their opinion, the business of the said company may require; to fix their salaries, and require from any or each of them, such securities for the faithful performance of their respective duties, as they may deem expedient; and they shall have power to make and establish such by-laws, rules and regulations as to them may seem proper for the well ordering of the affairs of the said company, not inconsistent with the laws of this state, and of the United States, and may fill vacancies in their own body, or in the office of president; they shall cause books to be prepared, in which all the votes and proceedings of the stockholders, and of their own body, shall be recorded; and suitable

books of accounts, in which shall be entered and fairly stated, all the business transactions of the company; no person shall be eligible, nor act as a director, unless he shall hold in his own right, or that of the firm of which he is a member, at least five shares in the stock of the said company; and said company shall not engage in the conveyance of passengers, or the transportation of merchandize or other articles, to and from Philadelphia, and any other point or place on the Delaware river or bay.

Commissioners  
to pay over sur-  
plus of subscrip-  
tion to treasurer.

SECTION 3. The commissioners aforesaid, shall pay over to the treasurer of the said company, immediately after he shall have entered upon the duties of his office, or to such other person as the managers may direct, all the money received by them, or either of them, on account of the shares of stock in said company subscribed as aforesaid, first deducting therefrom the amount of such reasonable expenses as may have been incurred by them in the performance of the duties assigned them by this act; and the managers of the said company shall call in and collect the amount subscribed by the stockholders, at such times and in such instalments as they may deem expedient; and they may from time to time, take and receive such additional subscriptions to the capital stock, as may be thought advisable in extending the number and lines of the company's packet vessels, payment thereof to be made as aforesaid; but the total amount of capital stock of said company shall not, at any time, exceed five thousand shares of one hundred dollars each.

Capital stock.

Certificates of  
stock.

SECTION 4. The shares in the capital stock of said company shall be numbered from one upwards in progressive order, and certificates in proper form signed by the president and treasurer, shall be issued to the stockholders therefor, for the shares by them respectively held; and the number attached to each share included therein, shall be particularly set forth in every certificate: said shares may be transferred by assignment on the books of the company, in person, or by power of attorney duly authorized, in presence of the president or treasurer; and in every case of transfer, the former certificate shall be given up and canceled, and a new certificate issued in its stead in favor of the person to whom said shares had been transferred; but no share shall be transferred on which any instalment, called for by the managers in pursuance of the authority herein granted, remains due and unpaid, except by the consent of the board of managers, first had and obtained; nor shall any share entitle the holder thereof to vote at any general meeting or election, on which any such instalment shall be due and unpaid for the space of thirty days; and if any such instalment shall remain due and unpaid on any share or shares, for the space of six months after the same has been required to be paid, the managers shall have power, after giving thirty days' public or private notice in writing or in print, of their intention so to do, to the person or persons in whose name the said share or shares may stand on the books of the company, to declare the said share or shares forfeited to the use of the company; or they may sue for and recover to the use of the company, the amount of all such remaining instalments, with interest at the rate of six per cent. per annum, from the time the same became due and payable, together with costs of suit.

Transferable.

Unpaid instal-  
ments.

Dividends.

SECTION 5. Dividends of so much of the profits of the said Philadelphia and Atlantic steam navigation company, as shall appear advisable to the managers, shall be declared and paid to the stockholders at least once in each year, in such manner as shall be provided by the by-laws of said company; but they shall in no case exceed the amount of the net profits actually made and acquired, after deducting all losses



and expenses; and if the managers shall declare and pay any dividend by which the capital stock of the said company shall be impaired, they shall be jointly and severally liable for so much of the said capital stock, as may be thus impaired and divided, which shall be recoverable by any party aggrieved or injured in an action recoverable for debt, as in other cases.

SECTION 6. It shall be the duty of the president and treasurer of the said corporation, between the first and fifteenth days of November in each year, to make out and transmit, duly verified by their oaths or affirmations, a full account and balance sheet of the affairs of the corporation, particularly setting forth the amount of capital stock actually paid in and held by individual or corporate stockholders, the actual cash value, as nearly as the same can be ascertained, of all the property and assets belonging to the corporation, and the aggregate amount of all its debts and liabilities, and the amount of dividends declared by the corporation during the year preceding. Annual account.

SECTION 7. In case it shall at any time be made to appear that the debts of the corporation hereby created, exceed in amount a sum equal to one-half of the capital stock actually paid in, and not held by the corporation itself, or a sum equal to one-half of the amount of the corporate property and assets justly estimated at their worth in cash, then and in such case the charter hereby granted and authorized, shall thereby be forfeited and become void; and in such case the directors, or so many of them as shall not have declared their dissent by writing on the minutes of the corporation to the contracting of such debts, shall be personally liable in law for the debts and liabilities of the corporation, contracted after knowledge that the charter had become liable to forfeiture under the provisions of this section. Charter may be forfeited.

SECTION 8. On or before the fifteenth day of January, in every year, it shall be the duty of the treasurer of the said corporation, to transmit to the treasury of the commonwealth, out of the funds of the corporation, a sum equal to one-half mill on each one per cent. of the dividends and profits declared and paid by the said corporation during the year next preceding; and if such treasurer shall neglect or refuse to pay the tax hereby imposed in such case, the directors and treasurer, for the time being, shall be jointly and severally liable as individuals for the payment thereof; and the same may be sued for and recovered under the direction of the state treasurer, as debts of like amount are recoverable against the estate and effects, as well of the said corporation as of the officers thereof. Payment of tax into the state treasury.

SECTION 9. If the said company shall not carry into effect the objects of their charter, by the construction and employment of at least one steam vessel to navigate upon the ocean, to and from the port of Philadelphia, within two years from the passage of this act, and by the further construction and like employment of at least one other vessel within three years from the passage of this act, then this charter shall be null and void. When charter shall become void.

SECTION 10. The legislature reserves the right to alter or repeal this charter, if it be necessary to the interest of the commonwealth: *Provided*, That in so doing, no injustice be done to the stockholders. Reservation.

WILLIAM F. PACKER,  
*Speaker of the House of Representatives.*

WM. WILLIAMSON,  
*Speaker of the Senate.*

I do hereby certify that the bill, entitled “An Act to incorporate the Philadelphia and Atlantic steam navigation company,” passed on the fourteenth day of February, eighteen hundred and forty-eight, which has been disapproved by the governor, and returned with his objections to the Senate, in which it originated, was agreed to by two-thirds of the Senate, on the eleventh day of April, eighteen hundred and forty-eight, and that the foregoing is the act so agreed to by the Senate.

WM. F. JOHNSTON,  
*Speaker of the Senate.*

ATTEST:—SAML. W. PEARSON,  
*Clerk of the Senate.*

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I do certify that the bill, entitled “An Act to incorporate the Philadelphia and Atlantic steam navigation company,” passed on the fifth day of April, eighteen hundred and forty-eight, which has been disapproved by the governor, and returned with his objections to the Senate, in which it originated, was agreed to by two-thirds of the House of Representatives, agreeably to the constitution, on the eleventh day of April, eighteen hundred and forty-eight, and that the foregoing is the act so approved by the House of Representatives.

WILLIAM F. PACKER,  
*Speaker of the House of Representatives.*

ATTEST:—WILLIAM JACK,  
*Clerk of the House of Representatives.*

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No. 369.

## AN ACT

Supplementary to an act incorporating the guardians of the poor of the city of Pittsburg, passed the sixth day of March, one thousand eight hundred and forty-seven.

Powers of guardians of the poor of the city of Pittsburg.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* the guardians of the poor of the city of Pittsburg, be and they are hereby authorized to bind out to service, any poor person under the age of twenty-one years, without the concurrence of justices of the peace, as required of overseers of the poor, by existing laws; the said guardians of the poor of the city of Pittsburg, shall from this time henceforth, have the power and authority to administer oaths or affirmations, and examine such persons as they may deem proper, under oath or affirmation, touching the business of their said offices as such guardians.

SECTION 2. If any man, being within the limits of the city of Pittsburg, shall separate himself from his wife without reasonable cause, or

shall desert his children, or if any woman shall desert her children, In certain cases leaving them a charge upon the district, in any such case it shall be arrest the parents lawful for the said guardians of the poor, upon complaint or informa- of children, and tion thereof being made to them, by any citizen of the said city of seize their estates. Pittsburgh, to issue a warrant in their own name, to take and seize so much of the goods and chattels, and receive so much of the rents and profits of the real estate of such man or woman, as in the judgment of the said guardians of the poor, shall be sufficient to provide for such wife, and to maintain and bring up such children, which sum or amount shall be specified in such warrant; but if sufficient real or personal estate cannot be found, then to take the body of such man (or woman) and bring him (or her) before said guardians, at a time to be specified in such warrant; said warrant to be directed to the sheriff of Allegheny county, or to any constable of said county, and by them executed.

SECTION 3. It shall be lawful for said guardians of the poor, on the Further powers. return of such warrant, to proceed in the same manner as magistrates are directed to proceed in like cases, by the act of the thirteenth June, one thousand eight hundred and thirty-six, entitled "An Act relating to the support and employment of the poor."

WILLIAM F. PACKER,  
*Speaker of the House of Representatives.*

WM. F. JOHNSTON,  
*Speaker of the Senate.*

APPROVED—The eleventh day of April, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

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No. 370.

## AN ACT

To encourage the further development of the mineral resources of the commonwealth of Pennsylvania.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That it shall be the duty of the surveyor general, on application to him made, Surveyor general to issue his warrant or warrants, for not exceeding in quantity one hun- to issue warrant. dred acres to any one person who may apply for the same, to the deputy surveyor of any county, directing him to survey so much of the bed of any of the public navigable rivers of this commonwealth, as may be called in said application, beginning at a point designated in the appli- Location on the cation, at low water mark on the bank of said river, and pursuing the bed of navigable course of said river at low water mark, as far as designated; then at public rivers. right angles across said river to low water mark; thence along the shore of said river at low water mark, to a point opposite the place of beginning; and thence across said river to the place of beginning; the original

of which to be filed in the office of the surveyor general, and a copy to be directed to his deputy of the proper county, whose duty it shall be to survey the same, and make return thereof as soon as possible.

Right vested in  
warrantee.

Proviso.

Proviso.

Proviso.

May be patented  
within ten years.

Proviso.

SECTION 2. That from and after the issuing of said warrant, the right to dig and mine for iron, coal, limestone, sand and gravel, fire clay and other minerals, shall vest and be in the party in whose favor the said warrant or warrants shall issue, his heirs or assigns: *Provided*, That he or they shall so exercise the said right as not in any way to interfere with the free navigation of said river, or with the rights of any person or persons holding property on the banks thereof: *Provided also*, That nothing contained in this act shall authorize any person to undermine the bed of any river, the navigation of which has been improved by the commonwealth, or by any incorporated company, within one hundred yards from any dam, lock or other building necessary to said improvement, without the consent of the canal commissioners, or the board of managers of said company; and nothing contained in this proviso shall in any way be construed to extend to any works or mines now in operation, or to affect any rights now vested under existing laws: *And provided also*, That the commonwealth shall have the right, after twenty years from this date, to revoke any such warrant or grant, on payment to the party, his heirs or assigns holding the same, the original purchase money, and the original costs of his works, engine, &c.; such power of revocation only to be in force where there is any improvement made.

SECTION 3. That the person or persons so holding said warrant or warrants, his or their heirs or assigns, shall and may at any time within ten years from the date of the same, have and receive a patent for the said land, under the seal of the commonwealth, in the usual form, granting to them, their heirs and assigns, the right to dig and mine iron, coal, limestone, sand and gravel, fire clay or any other mineral, on his or their paying into the treasury of the commonwealth the usual price per acre of public lands, and the usual fees, with interest from the date of the said warrant, subject to the restrictions contained in the second section of this act: *And provided*, That nothing in this act shall prevent or be a bar to any indictment for any nuisance or injury done by any person or persons so exercising said rights, to any public or private property, or for any impediment to the full and free navigation of any of the said navigable rivers.

WILLIAM F. PACKER,

*Speaker of the House of Representatives.*

WILLIAM WILLIAMSON,

*Speaker of the Senate.*

APPROVED—The eleventh day of April, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

No. 371.

## A SUPPLEMENT

To the act to establish an asylum for the insane poor of this commonwealth, passed April fourteenth, one thousand eight hundred and forty-five.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the name of the asylum, for the insane poor of this commonwealth, as established by the act to which this is a supplement, be and the same is hereby changed to that of the Pennsylvania state lunatic hospital; Name changed and so much of the third section of said act as requires the commissioners to build, finish, furnish and otherwise complete the said asylum for the sum of fifty thousand dollars, is hereby repealed; and it is hereby declared to be the intent and meaning of the act to which this is a supplement, that the said sum of fifty thousand dollars should be State contribu- contributed by the state, for the purpose of erecting an asylum for the tion towards erec- insane poor of this commonwealth, and the said sum is hereby specifi- cation of buildings. cally appropriated for that purpose, to be paid by the state treasurer, on warrants drawn by the governor in favor of the commissioners named in the said act, at such times as the same may be required, for erecting, finishing and otherwise completing said asylum: *Provided,* That not more than one-third of said sum shall be drawn from the treasury in any one year: *And provided further,* That the names of Aaron Bom- baugh, John A. Wier and James Fox, of the borough of Harrisburg, be added to the list of commissioners named in the act to which this is a supplement: *And provided,* That the fifteen thousand dollars appro- Proviso. priated by the act to which this is a supplement, shall be considered as a part of the fifty thousand dollars hereby appropriated: *Provided* Proviso. *further,* That no part of said money shall be drawn from the treasury, until contracts shall have been actually made for the commencement of the said buildings; and no greater sum than ten thousand dollars shall be drawn from the treasury at any one time, or until the commissioners shall have filed vouchers for the amount drawn.

WILLIAM F. PACKER,  
*Speaker of the House of Representatives.*

WM. WILLIAMSON,  
*Speaker of the Senate.*

APPROVED—The eleventh day of April, one thousand eight hundred and forty-eight.

FRS. R. SHUNK

No. 372.

## A SUPPLEMENT

To an act, entitled "An Act relative to the Le Raysville Phalanx," passed March, Anno Domini one thousand eight hundred and forty-seven, and relative to obligors and obligees, to secure the right of married women, in relation to defalcation, and to extend the boundaries of the borough of Ligonier.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the judges of the court of common pleas of Bradford county, are hereby empowered and required, upon the application of any person interested, to appoint three trustees to settle the affairs of the Le Raysville Phalanx; and that the trustees appointed under the provisions of this supplement, shall have all the powers, and be subject to all the restrictions, as were the trustees appointed by the act to which this is a supplement.

Court to  
appoint trustees to settle  
affairs of Le  
Raysville Phalanx.

Repeal.

SECTION 2. That so much of the first section of the act to which this is a supplement, as names Gould Seymour, Daniel Bailey, Isaac Seymour, trustees as aforesaid, be and the same is hereby repealed.

Judgment obtained against co-obligors, &c., the death of one shall not discharge his estate from payment.

SECTION 3. That where a judgment shall hereafter be obtained against two or more co-partners, or joint or several obligors, promisors or contractors, the death of one or more of the defendants shall not discharge his or their estate or estates, real or personal, from the payment thereof; but the same shall be payable by his or their executors or administrators, as if the judgment had been several against the deceased alone.

Suits against executors and administrators of deceased co-partner provided for.

SECTION 4. That in any suit or suits which may hereafter be brought against the executors or administrators of a deceased co-partner, for the debt of the firm, it shall not be necessary to aver in the record, or prove on the trial, that the surviving partner or partners is or are insolvent, to enable the plaintiff to recover.

Judgment recovered against co-partners or co-obligors, &c., shall not bar a future recovery.

SECTION 5. That where a judgment shall be hereafter recovered against one or more of several co-partners, joint or joint and several obligors, promisors or contractors, without any plea in abatement, that all the parties to the instrument or contract on which the suit is founded, are not made parties thereto, such judgment shall not be a bar to a recovery in any subsequent suit or suits against any person or persons, who might have been joined in the action in which such judgment was obtained, whether the same shall be obtained amicably or by adversary process.

Rights of married women secured.

SECTION 6. That every species and description of property, whether consisting of real, personal or mixed, which may be owned by or belong to any single woman, shall continue to be the property of such woman, as fully after her marriage as before; and all such property of whatever name or kind, which shall accrue to any married woman during coverture by will, descent, deed of conveyance or otherwise, shall be owned, used and enjoyed by such married woman as her own separate property; and the said property, whether owned by her before marriage, or which shall accrue to her afterwards, shall not be subject to levy and execution for the debts or liabilities of her husband, nor shall such property be sold, conveyed, mortgaged, transferred or in any manner encumbered by her husband, without her written consent first had and

obtained, and duly acknowledged before one of the judges of the courts of common pleas of this commonwealth, that such consent was not the result of coercion on the part of her said husband, but that the same was voluntarily given and of her own freewill: *Provided*, That her said husband shall not be liable for the debts of the wife contracted before marriage: *Provided*, That nothing in this act shall be construed to protect the property of any such married woman, from liability for debts contracted by herself, or in her name by any person authorized so to do, or from levy and execution on any judgment that may be recovered against a husband for the torts of the wife, and in such cases execution shall be first had against the property of the wife.

SECTION 7. That any married woman may dispose, by her last will and testament, of her separate property, real, personal or mixed, whether the same accrues to her before or during coverture: *Provided*, That said last will and testament be executed in the presence of two or more witnesses, neither of whom shall be her husband.

SECTION 8. That in all cases where debts may be contracted for necessities for the support and maintenance of the family of any married woman, it shall be lawful for the creditor in such case, to institute suit against the husband and wife for the price of such necessities, and after obtaining a judgment, have an execution against the husband alone; and if no property of the said husband be found, the officer executing the said writ shall so return, and thereupon an alias execution may be issued, which may be levied upon and satisfied out of the separate property of the wife, secured to her under the provisions of the first section of this act: *Provided*, That judgment shall not be rendered against the wife, in such joint action, unless it shall have been proved that the debt sued for in such action, was contracted by the wife, or incurred for articles necessary for the support of the family of the said husband and wife.

SECTION 9. That when any married woman, possessed of separate personal property as aforesaid, shall die intestate, her husband shall be first entitled to letters of administration on her estate, which said estate shall be distributed as follows: If such married woman shall leave no children, nor the descendants of such living, the husband shall be entitled to such personal estate absolutely; if such married woman shall leave a child or children living, her personal estate shall be divided amongst the husband and such child or children, share and share alike; if any such child or children being dead, shall have left issue, such issue shall be entitled to the share of the parent.

SECTION 10. That the real estate of such married woman, upon her decease, shall be distributed as provided for by the intestate laws of this commonwealth now in force: *Provided*, That nothing contained in this act shall be deemed or taken to deprive the husband of his right as tenant by courtesy.

SECTION 11. That the eleventh section of the act of eighth April, one thousand eight hundred and thirty-three, entitled "An Act relating to last wills and testaments," shall not be construed to deprive the widow of the testator in case she elects not to take under the last will and testament of her husband, of her share of the personal estate of her husband under the intestate laws of this commonwealth, but that the said widow may take her choice, either of the bequest or devise made to her under any last will and testament, or of her share of the personal estate under the intestate laws aforesaid.

SECTION 12. That in all cases where by the verdict of a jury, any debt or damages shall have been found or certified in favor of the defendant, he shall be entitled to judgment and execution in like manner as if the verdict were in favor of the plaintiff; and the defendant need not

Proviso.

Proviso.

She may dispose of her estate by will.

Proviso.

Proceedings in cases of debts for necessities of life.

Proviso.

Distribution of personal estate in case of intestacy.

Of real estate.

Widow's right of election under will, extended.

Judgment in favor of defendant may be recovered without resort to sci. fa.

resort to a scire facias as required by the act of seventeen hundred and five, for defalcation.

Limits of the  
borough of Ligo-  
nier extended.

SECTION 13. That the limits of the borough of Ligonier, in the county of Westmoreland, be and the same are hereby extended so as to include William Atcheson, Robert Galbreath, Robert Graham, Joseph Moorhead and Andrew Bellinger, on the east end of said borough, including the lands on both sides of the turnpike, bounded by the following lines: commencing at an alley; thence south forty-nine degrees east ten and nine-tenths perches; thence south forty degrees west ten and nine-tenths perches, to the turnpike; thence along said turnpike north forty-nine degrees west ten perches and nine-tenths, to an alley; thence along said alley to the place of beginning; and also the lands included in the following boundaries: commencing at the aforesaid alley; thence south forty-nine degrees east ten and nine-tenths perches; thence north forty degrees east ten and nine-tenths perches, to the turnpike; thence along said turnpike to the alley aforesaid; thence along said alley to the place of beginning; and also to include Henry Lowry on the west, embracing the lands contained in the following boundaries: commencing at the borough line; thence along the same eleven perches to the turnpike; thence along said turnpike five perches and two-tenths; thence north forty-one and one-half degrees east eleven perches; thence south forty-nine degrees west five and two tenths perches, to the place of beginning; and the persons aforesaid, included by this act in said borough, shall have all the rights and privileges of the other citizens of the borough, and be subject to the like duties.

WILLIAM F. PACKER,

*Speaker of the House of Representatives.*

WM. F. JOHNSTON,

*Speaker of the Senate.*

APPROVED—The eleventh day of April, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

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No. 373.

## AN ACT

Relating to the lien of judgments in certain cases.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That*

Act which con-  
tinues the liens of  
judgments in cer-  
tain cases without  
revival, repealed.

the fourth section of the act of sixteenth of March, one thousand eight hundred and forty-seven, entitled “An Act to cure a defect in the title of certain real estate, and relative to the real estate of John B. Mish, deceased, and the preservation of liens, and for other purposes,” be and



the same is hereby repealed, as fully and effectually as if such section had never been passed.

WILLIAM F. PACKER,  
*Speaker of the House of Representatives.*

WM. F. JOHNSTON,  
*Speaker of the Senate.*

APPROVED—The eleventh day of April, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

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No. 374.

## AN ACT

Declaring Youngwomanstown creek, in the county of Clinton, and Cedar run, in the county of Lycoming, public highways, and relative to notes and bills of exchange.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* the stream called Cedar run, in the counties of Lycoming and Tioga, be and is hereby declared to be a public highway, from above the mill dam of Haines and Miller, at its mouth, to the mouth of the Fahnestock Branch of the same, in the county of Tioga, to all intents and purposes, as are other streams that have been by law declared navigable. Cedar run declared a public highway.

SECTION 2. That the Youngwomanstown creek, in the county of Clinton, and its four principal branches, be and the same are hereby declared to be a public highway, from their mouths to the northern boundary of Clinton county, to all intents and purposes as aforesaid. Youngwomanstown creek declared a public highway.

SECTION 3. That payment of all notes, checks, bills of exchange, or other instruments negotiable by the laws of this commonwealth, and becoming payable on Christmas day, or the first day of January, the fourth day of July, or any other day fixed upon by law, or by the proclamation of the governor of this commonwealth as a day of general thanksgiving, or for the general cessation of business in any year, shall be deemed to become due on the secular day next preceding the aforementioned days, respectively; on which said secular days demand of payment may be made, and in case of non-payment or dishonor of the same, protest may be made, and notice given in the same manner as if such notes, checks, bills of exchange, or other instruments fell due on the day of such demand; and the rights and liabilities of all parties concerned therein, shall be the same as in other cases of like instruments legally proceeded with: *Provided*, That nothing herein contained, shall be so construed as to render void any demand, notice or protest made or given as heretofore, at the option of the holder, nor shall the same Negotiable paper due on certain days deemed due on the next preceding secular day, and demand, protest and notice on such secular day, legal.

be so construed as to vary the rights or liabilities of the parties to any such instruments heretofore executed.

WILLIAM F. PACKER,  
*Speaker of the House of Representatives.*

WM. F. JOHNSTON,  
*Speaker of the Senate.*

APPROVED—The eleventh day of April, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

No. 375.

## AN ACT

Supplementary to an act, entitled “An Act to incorporate the Danville and Pottsville railroad company.”

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That any purchaser or purchasers of the railroad and other real estate, and of the corporate rights and privileges of the Danville and Pottsville railroad company, under the act, entitled “A supplement to an act, entitled ‘An Act to incorporate the Danville and Pottsville railroad company,’ approved April twenty-first, one thousand eight hundred and forty-six,” and an act, entitled “A further supplement to an act, entitled ‘An Act to incorporate the Danville and Pottsville railroad company,’ approved March sixteenth, one thousand eight hundred and forty-seven,” shall hold the same free of all incumbrance on account of any previous lien or liability whatsoever, other than that continued in force by the act approved March sixteenth, one thousand eight hundred and forty-seven, and with like force and effect; and if the rights and privileges of the said company, or any of them, under the acts hitherto passed in relation to the same, shall have lapsed or expired, the said rights and privileges are hereby revived and renewed to any purchaser or purchasers, under the acts aforesaid, their associates, successors, or assigns, as fully and completely as they can be renewed and revived by this legislature: *Provided,* That the said railroad shall be completed between its point of connection with Mount Carbon railroad and the town of Sunbury, within four years from the passage of this act.

SECTION 2. *And whereas,* It is an important object to the commonwealth that a sale should be effected of the said Danville and Pottsville railroad, under the acts to which this is an amendment, so that the commonwealth may be released in whole or to the extent of three-fourths from its liability, under an act, entitled “An Act to guaranty the interest upon loans to the Danville and Pottsville railroad company,” passed April eighth, one thousand eight hundred and thirty-four; that in the event of a sale of the said railroad and other real estate, and the corporate rights and privileges of the said railroad company, and release

Purchasers to hold the estate and privileges free of incumbrance, &c.

Proviso.

Exempt from taxation.

of the commonwealth from at least three-fourths of its guaranty as aforesaid, the property of the said company, and the stock and dividends of the same, shall be exempt from taxation for the period of twenty years from the completion of the said railroad, between the point of connection of the same with the Mount Carbon railroad, and the towns of Sunbury and Danville, and shall afterwards only be subject to such taxation as shall be imposed on the property and dividends of railroad companies generally.

SECTION 3. That in lieu of the rates for toll and transportation authorized by the act of incorporation of the said company, and other acts amendatory of and supplementary to the same, in the event of a sale of the said railroad and other real estate, and the corporate rights and privileges of the said railroad company as aforesaid, the said rates may be fixed and regulated in such manner as the said company may deem most advisable: *Provided however*, That the maximum charges for toll and transportation on the said road, shall not exceed four cents per ton per mile on freight, and four cents per mile on passengers. Tolls to be regulated by the company. ~~amended~~

SECTION 4. All acts and parts of acts in relation to the said company, inconsistent with the provisions of this act, shall be and the same is hereby repealed. Repeal. ~~amended~~

WILLIAM F. PACKER,  
*Speaker of the House of Representatives.*

WM. F. JOHNSTON,  
*Speaker of the Senate.*

APPROVED—The eleventh day of April, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

No. 376.

## AN ACT

Declaring Stump creek, in the county of Jefferson, a public highway, and to extend the charter of the Farmers' Bank of Bucks County, for one year.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same*, That Stump creek, in from and after the passage of this act, Stump creek, in the county of Jefferson, is hereby declared a public highway, from the forks of Big Mahoning to the Clearfield county line. declared a public highway.

SECTION 2. That the charter of the Farmers' Bank of Bucks County, shall be and the same is hereby extended and continued, for the term of one year from the expiration of the present charter, subject to the provisions now imposed upon banks by the existing laws of this commonwealth, and all and singular the same provisions and restrictions as are imposed on the Western Bank of Philadelphia, by the act, enti- Charter of Farmers' Bank of Bucks County extended one year.

tled "An Act to extend the charter of the Western Bank of Philadelphia," approved the seventh day of April, one thousand eight hundred and forty-six; and the stockholders of the said Farmers' Bank of Bucks County shall be subject to the same liabilities and remedies as the stockholders of the said Western Bank of Philadelphia are made liable to by the provisions of the said act: *Provided*, That all proceedings contemplated to be had in the court of common pleas of Philadelphia county, by the act above mentioned, shall, as far as the Farmers' Bank of Bucks County is concerned, be had in the court of common pleas of Bucks county.

Directors not to  
indorse over a  
certain amount.

SECTION 3. No director of this bank shall appear responsible as drawer or endorser, either directly or indirectly at any time, to a greater amount than five per cent. on the capital stock of said bank paid in; and in the event of any excess, the directors consenting to such excess, shall be responsible for such excess, and will be liable to a fine equal in amount to such excess, said fine to be recovered as debts of like amount are now recoverable by law, one half thereof for the use of the informer, and the residue for the benefit of the county in which the institution is situated: *And provided further*, That the entire board of directors shall not at any one time, appear responsible either directly or indirectly as drawers or endorsers, to the amount exceeding the one-fifth part of the capital of said bank paid in; the directors consenting to any excess, to be fined in a sum equal to the amount of such excess, to be recovered and applied as hereinbefore provided.

WILLIAM F. PACKER,  
*Speaker of the House of Representatives.*

WM. F. JOHNSTON,  
*Speaker of the Senate.*

APPROVED—The eleventh day of April, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

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No. 377.

## AN ACT

Authorizing the trustee of Ellen Livingood, to sell and convey certain real estate, and authorizing the Richborough and Feasterville turnpike road company to borrow money.

Preamble.

WHEREAS, By a certain indenture, bearing date the seventh day of October, Anno Domini one thousand eight hundred and thirty-nine, between James B. Doctor, of Lycoming county, and Charlotte, his wife, of the one part, and Peter Helm, of Berks county, of the other part, recorded in the office for recording deeds, et cetera, for the county of Lycoming, in deed book A, A, page one hundred and twenty-two, a certain house and lot in Muncy Creek township, in the county of Lycoming, was conveyed to the said Peter Hehn, his heirs and assigns,

in trust for the sole and separate use of Ellen Livingood, the wife of doctor Edward Livingood :

*And whereas,* There exists no provision in said deed to authorize said Peter Hehn, as trustee as aforesaid, to sell and convey said house and lot, and to invest the proceeds thereof :

*And whereas,* It is the desire of the said Ellen Livingood, that said house and lot may be sold, and that the proceeds thereof invested in other real estate or placed at interest ; therefore,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That Peter Hehn, trustee, named in the deed of trust to him, made by James B. Doctor, of Lycoming county, and Charlotte, his wife, be and he is hereby authorized to sell at public or private sale, a certain house and lot of ground situate on the north side of the road leading from the borough of Muncy, to the Muncy mills, in Muncy Creek township, Lycoming county, fronting and extending fifty feet on said road, bounded on the west one hundred and seventy-three feet by an alley, on the north fifty feet by an alley, and on the east one hundred and seventy-three feet by a lot, now or late of Schuyler and Lloyd, being lot number nine, in the general plan of the town of Rome, which the said Peter Hehn purchased and holds in trust for the said Ellen Livingood, and to execute a deed to the purchaser for the same ; and whenever any sale or conveyance of the said trust property shall be made, no purchaser or purchasers of the said property shall be under any obligations to see to the application of the purchase money, or liable for its non-application or misapplication: *Provided,* That before such sale, the said Peter Hehn shall execute a bond to the commonwealth, in such security as the court of common pleas of Berks county shall approve, conditioned that the proceeds arising from the sale of said real estate shall be vested in other real estate, or on good security, as he may deem best, and subject to the provisions and directions of the aforesaid deed of trust.

SECTION 2. That the Richborough and Feasterville turnpike road company are hereby authorized to borrow any sum of money, not exceeding two thousand dollars, to be applied towards the payment of debts contracted for the construction of said road, subject to all and singular the same provisions and restrictions as are imposed upon the Buckingham and Doylestown turnpike road company, by the second section of an act, entitled “ A supplement to an act, entitled ‘ An Act to incorporate the Buckingham and Doylestown turnpike road company,’ approved the twenty-third day of February, one thousand eight hundred and forty-seven.”

Richborough and Feasterville turnpike road company, authorized to borrow money.

WILLIAM F. PACKER,  
*Speaker of the House of Representatives.*

WM. F. JOHNSTON,  
*Speaker of the Senate.*

APPROVED—The eleventh day of April, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

No. 378.

## A N A C T

To incorporate the Ocean, Delaware and Philadelphia telegraphic company.

Corporators.	SECTION 1. <i>Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That</i> C. G. Childs, C. S. Riche, William Martin, A. C. Barclay, J. C. Da Costa, N. B. Waldron, J. M. Kennedy, Arthur G. Coffin and Francis R. Cope, and their associates, or persons who shall become stockholders in the company called the "Ocean, Delaware and Philadelphia telegraphic company," be and the same hereby are made and
Purpose.	constituted a body politic and corporate, for the purpose of making, using, maintaining and connecting, in telegraphic communication, the city of Philadelphia and the town of Lewis, in the state of Delaware, and intermediate cities, towns and villages, by the name, style and title
Style.	of the "Ocean, Delaware and Philadelphia telegraphic company;" and
Privileges.	by the same name, style and title, shall have perpetual succession, and all the franchises, privileges and immunities of a corporation, to sue and be sued, implead and be impleaded, complain and defend, in all courts of law and equity, may purchase, receive, hold and enjoy lands, tenements and hereditaments, goods, chattels and estate, and the same from time to time may sell, convey, mortgage, grant, alien and dispose of, to make dividends of such portions of their profits as they may deem proper, have a common seal, ordain and put in execution such
Proviso.	by-laws, ordinances and regulations as they may deem necessary for the government and conducting the affairs and business thereof: <i>Provided</i> , That nothing herein contained shall be considered and construed as giving to the said corporation any banking privileges, or any privileges and franchises other than those proper and incident to the making and conducting telegraphic lines and communications, or any power inconsistent with the constitution or laws of this commonwealth: <i>And provided further</i> , That if the authority of the United States government shall hereafter be extended over the system of telegraphic communication, then the right of purchasing this line from the corporators is hereby reserved to the United States government: <i>And it is provided further</i> , That this state and the United States government shall have the use of this line of telegraph in time of war, and for the arrest of all public criminals and fugitives from justice, free of charge.
Capital.	SECTION 2. The capital stock of said company shall be twenty-five thousand dollars, in shares of fifty dollars each, certificates whereof, under the common seal of said corporation, shall be issued to the person or persons who have or shall subscribe for the same; which stock shall be transferable under such regulations as may be provided by the by-laws.
Powers.	SECTION 3. The said corporation shall have power to connect, by contract with other persons or corporations having other telegraphic lines for the purpose aforesaid, and may organize and act when eighteen thousand dollars of the said capital shall have been subscribed; if deemed necessary by the directors and a majority of the stockholders, the capital stock may be increased to forty thousand dollars.

SECTION 4. The persons named herein, or any five of them, may, *Organization.*  
on giving ten days' notice to the said subscribers of the time and place  
of meeting, call a meeting of the stockholders, at the city of Phila-  
delphia, for the purpose of organizing said company, and electing officers  
to serve until the next annual election.

SECTION 5. The election of directors of said corporation shall be by *Annual election.*  
ballot, on the first Monday in January of each year; each share of  
stock shall entitle the holder to one vote, which may be exercised by  
proxy, producing written authority therefor: *Provided, That no one* *Proviso.*  
stockholder, whatever stock he may hold, shall cast more than one-  
sixth of the entire vote to which all the shares, if held singly, would be  
entitled; the directors elected shall elect a president and such other  
officers as they may deem requisite, and shall have power to make by-  
laws for the government of the affairs of the company.

SECTION 6. It shall be lawful for the said corporation to erect and *Construction of*  
construct the said line along and across any highways within this state, *line.*  
to the Delaware state line, in such manner as shall not injure or inter-  
fere with the public use thereof, and enter on private property, under  
the provisions contained in the ninth and tenth sections of the act to  
incorporate the Philadelphia, Reading and Pottsville telegraph company.

SECTION 7. The legislature may at any time alter or repeal this act; *Reservation.*  
in such manner, however, as shall do no injustice to the corporators, or  
wrongfully affect any contract or engagement made by the corporation.

WILLIAM F. PACKER,  
*Speaker of the House of Representatives.*  
WM. WILLIAMSON,  
*Speaker of the Senate.*

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I do certify, that the bill, entitled "An Act to incorporate the Ocean,  
Delaware and Philadelphia telegraphic company," passed on the twenty-  
ninth day of March, one thousand eight hundred and forty-eight, which  
has been disapproved by the governor, and returned with his objections,  
to the house of representatives, in which it originated, was agreed to by  
two-thirds of the house of representatives, agreeably to the constitu-  
tion, on the eleventh day of April, one thousand eight hundred and forty-  
eight, and that the foregoing is the act so approved by the house of  
representatives.

WILLIAM F. PACKER,  
*Speaker of the House of Representatives.*

ATTEST:—WILLIAM JACK,  
*Clerk of the House of Representatives.*

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I do hereby certify, that the bill, entitled "An Act to incorporate  
the Ocean, Delaware and Philadelphia telegraphic company," passed  
on the twenty-ninth day of March, one thousand eight hundred and  
forty-eight, which has been disapproved by the governor, and returned  
with his objections, to the house of representatives, in which it origi-  
nated, was agreed to by two-thirds of the senate, on the eleventh day  
of April, one thousand eight hundred and forty-eight, and that the fore-  
going is the act so agreed to by the said senate.

WM. F. JOHNSTON,  
*Speaker of the Senate.*

ATTEST:—SAML. W. PEARSON,  
*Clerk of the Senate.*

No. 379.

## AN ACT

To annul the marriage contract of Francis D. Todd and Catharine S., his wife.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That the marriage contract entered into between Francis D. Todd, and Catharine S., his wife, both of the county of Philadelphia, be and the same is hereby annulled and made void, and the parties released and discharged from said contract, and from all duties and obligations arising therefrom, as fully, effectually and absolutely, as if they had never been joined in marriage.*

WILLIAM F. PACKER,  
*Speaker of the House of Representatives.*

WM. F. JOHNSTON,  
*Speaker of the Senate.*

APPROVED—The eleventh day of April, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

No. 380.

## AN ACT

Authorizing the Governor to incorporate the Brooklyn and Lenox turnpike road company.

Commissioners. SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That E. R. Grow, F. P. Grow, Orrin G. Kinney, Erastus Corey, Elisha Bell, Warren M. Tingley, of the county of Susquehann, or a majority of them, be and they are hereby appointed commissioners to do and perform the duties hereinafter mentioned; that is to say, they shall procure a book, and therein enter as follows: "We whose names are hereunto subscribed, do promise to pay the president and managers of the Brooklyn and Lenox turnpike road company, the sum of twenty-five dollars for every share of stock in said company by us subscribed, in such manner and proportions, and at such times and places, as shall be determined on by the president and managers, in pursuance of an act, entitled 'An Act authorizing the governor to incorporate the Brook-*

Form of subscrip-  
tion.



lyn and Lenox turnpike road company.' Witness our hands, this day of . Anno Domini, one thousand eight hundred and ;" and shall give at least thirty days' notice in a newspaper Open books. published in Susquehanna county, of the time and place when and where the said book shall be opened to receive subscriptions of stock of the said company; at which time and place, two or more of the said commissioners shall attend and receive subscriptions from all persons of lawful age who shall offer to subscribe in said book, which shall be kept open for the purpose aforesaid, at least six hours in each juridical day, for the space of six days, or until the book shall have subscribed therein two hundred shares; and the said commissioners may adjourn from time to time, and transfer the book from place to place, until the whole number of shares aforesaid shall be subscribed, of which adjournment and transfer, the said commissioners shall give such notice as the occasion may require.

SECTION 2. When five or more persons shall have subscribed seventy or more shares, and the said commissioners or a majority of them, shall have certified under their hands and seal to the governor, the names of the subscribers, and the number of shares subscribed by each, it may be lawful for the governor, by letters patent, under his hand and seal Letters patent. of the state, to create and erect the subscribers, and also all those who may afterwards subscribe, into one body politic and corporate, in deed and in law, by the name, style and title of the Brooklyn and Lenox Style. turnpike road company; and by the said name, the subscribers shall have perpetual succession, and all privileges and franchises incident to Privileges. a corporation, and shall be capable of taking and holding their capital stock, and the increase and profits thereof, and of enlarging the same from time to time, by new subscriptions, in such manner and form as they shall think proper, if such enlargement shall be found necessary to fulfil the intention of the act; and of purchasing, taking and holding to them and their successors and assigns, and of selling, transferring and conveying in fee simple, or for any less estate, all such lands, tenements, hereditaments and estates, real and personal, as shall be necessary to them in the prosecution of their work, and of suing and being sued, and of doing all and every other matter and thing which a corporation or body politic may lawfully do.

SECTION 3. The stockholders, or any two of them named in the letters patent, shall as soon as conveniently may be after issuing of the same, give notice in one or more of the newspapers published in the county of Susquehanna, of a time and place to be by them appointed, not less than twenty days from the time of the first notice, at which time and place the said subscribers or as many of them as may be then present, shall proceed to organize the said company, and shall choose by a majority of the said subscribers by ballot in person, one president, six managers, one treasurer and such other officers as may be necessary to conduct the business of said company for one year, and from thence until the next annual election, and until such other officers shall be chosen and organized agreeably to the provisions of this act; and in case of the death, removal, or resignation of any president or manager, the board of managers may choose another to supply the vacancy until the next annual election of said company; they may make and have one common seal, and the same may break, alter, or renew, at their pleasure; and may make such by-laws, rules, orders and regulations, not inconsistent with the constitution and laws of this state, as shall be necessary for the well ordering of the affairs of the corporation: *Provided*, That each subscriber shall be entitled to one vote for every share Proviso. of stock by him or her held, not exceeding ten; but no share or num-

Votes.  
 Proviso.  
 Proviso.

ber of shares above ten, shall entitle the holder thereof to a vote at any election or meeting of said company : *And provided also*, That no person shall be entitled to hold the office of president, manager, or treasurer of the said company, who is not a stockholder thereof : *And provided also*, That no stockholder, whether the original subscriber or assignee, shall be entitled to a vote at any election or meeting of said company, unless the whole sum due and payable on the shares by him or her held at the time of such election or meeting, shall have been fully paid and discharged.

Vacancy in the office of treasurer to be supplied.

SECTION 4. If any treasurer elected by virtue of this act, shall die, or resign, or refuse to act, or neglect to give security for the faithful discharge of the duties of his office, as the board of managers may direct and require, or having given the security required, shall neglect or refuse to take upon himself and perform all the duties of said office, it shall be the duty of the said managers for the time being, to appoint some suitable person treasurer ; which person so appointed, shall hold the office to which he shall have been appointed, until the next election by the stockholders, on his giving the requisite security, and until a successor shall be duly elected and give the security required.

Annual meeting.

SECTION 5. The stockholders shall meet on the first Monday in January, in each year, at such place as shall be fixed by the by-laws of said company, for the purpose of choosing in manner aforesaid, such other officers for the year ensuing the term of service of those previously elected.

Certificates of stock.

SECTION 6. The said president and managers shall make out certificates of stock, signed by the president and countersigned by the treasurer, and sealed with their corporate seal, and deliver one such certificate to each subscriber for any share or number of shares by him or her held, on him or her paying to the treasurer on each share so held, the sum of five dollars ; which certificate shall be transferable in person or by attorney, on the books of the said company, only subject to the sum due or to become due on the share or shares so transferred.

Transferable.

Enter upon lands to locate route.

SECTION 7. It shall and may be lawful for the said president and managers, their superintendents, surveyors, engineers, artists and chain-bearers to enter in and upon all and every the lands, tenements and enclosures in, through and over which the said intended turnpike road may be thought proper to pass ; and for that purpose to examine the ground, and quarries of stone and gravel, and other materials that may be necessary in making and constructing the said road ; and to survey, lay down, ascertain, mark and fix such route for said road, as in the best of their judgment and skill, combine shortness of distance with the most eligible ground ; beginning on the Clifford and Carbondale turnpike road, in the township of Clifford, and county of Susquehanna, near George Brownell's, and thence the nearest and best route, down the east branch of the Tunkhannock, near William Hartley's ; from thence the nearest and best route, to the Milford and Owego turnpike road, near Brooklyn village, crossing Martin's creek, near Orson Case's.

Quorum.

Powers and duties of board.

SECTION 8. The said president and managers, five of whom shall, for all purposes, be a quorum, shall keep minutes of all their proceedings fairly entered in a book to be kept for that purpose, and shall have full power and authority to appoint, agree or contract, with such engineer, superintendents, artists, laborers, and other persons as they may think necessary to make and construct said road, and collect the tolls hereinafter authorized ; and to fix their compensation ; to ascertain the times, manner, and proportions in which the stockholders shall pay the amount of their respective shares, in order to carry on their work ; to draw orders on the treasurer for all debts contracted by them, which orders

shall be signed by the president, or in his absence by a quorum of the managers, and attested by their secretary; and to do and transact all other acts, matters or things, as by the by-laws, orders and regulations of the said company, shall be entrusted to them.

SECTION 9. If any stockholder, whether original subscriber or as- Payment of in-  
signee, after thirty days' notice in one newspaper printed in Susque- stalments regu-  
hanna county, of the time and place appointed for the payment of any lated.  
instalment, or proportion of the capital stock, shall neglect to pay such  
proportion at the place appointed, for the space of sixty days after the  
time appointed for the payment thereof, every such stockholder shall,  
in addition to the instalment so called for, pay at the rate of two per  
centum per month, for every delay of such payment; and if the same  
and additional penalty, shall become equal to the sums before paid in  
part, on account of such share, the same may be forfeited by and to  
the said company, and may be sold by them for such price as may be  
obtained therefor; or in default of payment of any stockholders of  
such instalments, as aforesaid, for the space of sixty days, as afore-  
said, the president and managers may, at their election, cause suit to  
be brought in the same manner as debts of like amount are now recov-  
erable, for the recovery of the same, together with the penalty afore-  
said.

SECTION 10. It may be lawful for the said president and managers, Enter upon lands.  
by and with their superintendents, engineers, artists, workmen and  
laborers, their tools and instruments, carts, wagons and other carriages,  
and beasts of draught or burden, to enter in and upon the lands contiguous  
and near to which the said road shall be made or constructed, first giving  
notice of their intentions to the occupiers thereof, and doing as little dam- Damages, how  
age thereto as possible, and making amends for damages upon reasonable paid.  
and equitable agreement by the parties; and in case the said president  
and managers, and the owner or owners of land, tenement, or enclosure  
through which the said road may be laid out, cannot agree upon the  
compensation to such owner or owners, the same shall be determined  
by three disinterested freeholders, to be chosen by the parties; or if  
they cannot agree, to be appointed by a justice of the peace of the  
county, who, before entering on their duties, shall take an oath or  
affirmation to perform their duties with fidelity; and in determining the  
amount of damages, shall take into consideration the advantages as well  
disadvantage of the road; and the amount of such damages or compen-  
sation so assessed, shall be paid by said company, or adequate security  
therefor, to be approved by the court of said county, for the pay-  
ment thereof, shall be given before the land of such owners shall be  
taken or occupied by said company; and if either party shall be dis-  
satisfied with the assessment of damages made as aforesaid, in such  
case it shall be lawful for such party to appeal from the award at the  
next court of common pleas, upon entering into security, and in such  
form as the court may direct; in which case the owner of the land  
shall be plaintiff, and the said company defendant, and the same shall  
thereon be proceeded in, and tried in all respect as an appeal from an  
award of arbitrators, and the cost shall abide the event of the appeal in  
the same, as in an appeal from the award of arbitrators: *Provided,* Proviso.  
That in case of an appeal by either party upon security being given as  
aforesaid, for the amount of compensation of damages assessed as afore-  
said, it shall be lawful for the president, managers, their superintend-  
ents, artists and laborers, with horses, carts and wagons, tools and  
implements, to enter upon all such lands so assessed and secured, to  
make, construct, grade and finish said road, and do all other matters

necessary for carrying out the objects of this act, as freely and as uninterruptedly as if full compensation had been made for all such lands.

Accounts.

SECTION 11. The said president and managers shall keep fair and just accounts, as well of all the moneys received by them as of those paid out and expended in the prosecution of the work, and shall, at least once in every year, submit their books and accounts to a general meeting of the stockholders; and whenever it shall be ascertained that the capital stock of the said company is not sufficient to complete the said road, according to the true intent and meaning of this act, it shall and may be lawful for the president and managers, at a stated or special meeting convened according to the provisions of this act, or their own by-laws, to increase the number of shares to such extent as they shall deem sufficient to accomplish the work, and to demand and receive the moneys subscribed for such additional shares, in like manner, and under like penalties as are provided by this act, in the case of the original subscriptions.

Increase shares.

Erect bridges.

SECTION 12. The said president and managers shall have power to erect good and sufficient bridges over all the streams of water crossed by said route, wherever the same shall be found necessary, and shall cause a road to be laid out not exceeding fifty feet in width, and shall cause at least twelve feet of said width to be made an artificial road of wood, stone, gravel or other proper and convenient materials, such as the nature of the ground may require, and will afford to be constructed in such manner as will admit an even surface; and shall forever thereafter maintain and keep the same in good order and repair: *Provided*, That it shall and may be lawful for the president and managers, whenever they may deem it necessary, to cut, deaden and prostrate the timber on each or either side of the said road, within a distance not exceeding one hundred feet from the centre of the said road, they making just and equitable compensation to the owners.

Proviso.

Appoint viewers.

SECTION 13. Whenever and as often as the said company shall have finished five miles or more of the road, the president thereof may give notice to the governor, who shall thereupon forthwith appoint three skillful, judicious and disinterested persons to view and examine the same, and report on oath or affirmation to him whether the said road is so far executed in a competent and workmanlike manner, according to the true intent and meaning of this act; and if their report should be in the affirmative, then the governor shall by license, under his hand and the seal of the state, permit and suffer said company to erect and fix such and so many gates or turnpikes upon and across the said road, as will be necessary and sufficient to collect from all persons otherwise than one foot, the same tolls which are hereinafter authorized: *Provided*, That all persons attending funerals, military parades and trainings or divine worship, on the Sabbath day, shall at all times be exempted from payment of any toll on said road.

License for taking toll.

Proviso.

Toll-gatherers.

SECTION 14. The said company having perfected the said road or such part thereof, from time to time as aforesaid, and being examined, approved and licensed as aforesaid, it shall and may be lawful for them to appoint such and so many toll-gatherers as they shall think proper, to collect and receive of and from all and every person or persons using the said road, the rates and tolls hereinafter mentioned, and stop any person riding or leading any horse, or driving any cattle, hogs or sheep, or driving any coach, coachees, sulky, chair, chase, phaeton, cart, wagon, wain, sleigh, sled or other carriages of burden or pleasure from passing through the said turnpike or gates, until they shall have respectively paid the same; that is to say, for every five miles in length of the said road, completed and licensed as aforesaid, the following sum of

Tolls.

money, and so in proportion for any lesser or greater distance actually traveled, or for any greater or less number of sheep, hogs or cattle, to wit: For every score of hogs, six cents; for every score of sheep, six cents; for every score of cattle, twelve and a half cents; for every horse and his rider, or led horse, three cents; for every sulky, chair or chase with one horse and two wheels, six cents; and with two horses, nine cents; for every chariot, coach, phaeton or chaise with four wheels and two horses, twelve and one-half cents; for either of the carriages last mentioned, with four horses, twenty cents; for every other carriage of pleasure, under whatsoever name it may go, the like sums according to the number of wheels and horses drawing the same; for every sled, three cents for each horse drawing the same; for every cart or wagon, the wheels of which do not exceed the breadth of four inches, six cents for each horse drawing the same; for every cart or wagon, the wheels of which shall exceed in breadth four inches, and not exceeding seven inches, three cents for each horse drawing the same; for every cart or wagon, the breadth of the wheels of which shall be more than seven inches, and not more than ten inches, or being of the breadth of seven inches, shall roll more than ten inches, two cents for each horse drawing the same; for every cart or wagon, the breadth of the wheels of which shall be more than ten inches, and not exceeding twelve inches, or being ten inches, shall roll more than fifteen inches, one cent for each horse drawing the same; for every cart or wagon, the breadth of the wheels of which shall be more than twelve inches, one cent for every horse drawing the same; and all carriages aforesaid, which shall be drawn by oxen in the whole, or partly by oxen and partly by horses, two oxen shall be estimated as equal to one horse in charging all the aforesaid tolls; and every mule as equal to one horse; and if any person or persons shall represent to the said company or any of their officers, that he, she or they have traveled a less distance than he, she or they have actually traveled along said road, with intent to defraud the said company, of their toll or any part thereof, such person or persons shall for every such offence, forfeit and pay to the use of the said company any sum not exceeding five dollars; and if any toll-gatherer shall demand and receive greater or other toll from any person or persons, than such toll-gatherer is authorized to demand and receive by virtue of this act, such toll-gatherer shall forfeit and pay the sum of twenty dollars for every such offence, to the supervisors of the highways of the township in which the forfeiture is incurred, for the repairs of the roads in the said township, and for the payment of which the said company shall be responsible: *Provided always*, That it shall and may be lawful for the said company, by their by-laws, to regulate the burden on carriages to be drawn along the said road, in such manner as shall be found from experience, to be most conducive to the public convenience, and the advantage of said company.

Penalties for fraudulent practices.

Proviso.

SECTION 15. For collecting and receiving tolls, for every attempt to evade the payment thereof, for every neglect to keep the said road in good repair, for the increase, diminution and application of tolls, the erection of index posts, and for injuring and defacing the same, for the regulation of the traveling on the said road, and for limitation of actions, and for the recovery and application of fines and penalties for offences against this act, the said company shall have all the powers, authorities, rights and privileges, and be subject to all the penalties which are given and granted by the act, entitled "A supplement to an act, entitled 'An Act authorizing the governor to incorporate a company for making an artificial road from the borough of Easton, in the county of Northampton, to the town of Wilkesbarre, in the county of Luzerne.'"

Further powers, authorities and restrictions.

Reservation.

SECTION 16. That the legislature hereby reserves the right to alter, revoke or annul the privileges and powers contained in this act, whenever it shall appear that they have been misused or abused by said company.

WM. F. PACKER,  
*Speaker of the House of Representatives,*  
WILLIAM WILLIAMSON,  
*Speaker of the Senate.*

APPROVED—The eighth day of March, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

## RESOLUTIONS

PASSED SESSION OF EIGHTEEN HUNDRED AND FORTY-EIGHT.

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No. 1

## RESOLUTION

Relative to the expenses of the contested election of James W. Goff.

*Resolved by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met,* That the speaker of the house of representatives be and is hereby authorized to draw his warrant upon the treasurer of the county of Luzerne, requiring him to pay to Abel C. Hartley, the bill of expenses approved by the select committee appointed to decide the contested election of James W. Goff, amounting to ninety-eight dollars and ninety-seven cents; which amount shall be paid by the state treasurer, and by him charged to the treasurer of the county of Luzerne, and which amount it shall be the duty of said county treasurer to pay forthwith.

WILLIAM F. PACKER,  
*Speaker of the House of Representatives.*

WM. WILLIAMSON,  
*Speaker of the Senate.*

APPROVED—The twenty-seventh day of January, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

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No. 2.

## RESOLUTION

Relative to cheap postage.

*Resolved by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met,* That the senators and members of the house of representatives in the congress

of the United States, representing this state, be and they are hereby requested to vote for, and urge the immediate repeal of the act of congress of the third of March, one thousand eight hundred and forty-seven, requiring postage to be paid on all newspapers circulating in the mail within thirty miles of the office of publication, and requiring the postage on transient papers to be pre-paid, and to propose and vote for such other modifications in the laws relating to postage, and the post office, as shall more effectually provide for a uniform system of cheap postage on letters and newspapers.

*Resolved*, That his excellency, the governor, be and he is hereby requested to cause a copy of the foregoing resolution to be forwarded to each of the senators and representatives in congress from Pennsylvania.

WILLIAM F. PACKER,

*Speaker of the House of Representatives.*

WM. WILLIAMSON,

*Speaker of the Senate.*

Adopted in the House of Representatives, January 5, 1848.

WM. JACK, *Clerk.*

Adopted in the Senate, January 24, 1848.

SAML. W. PEARSON, *Clerk.*

### No. 3.

## RESOLUTIONS

Relating to Asa Whitney's plan for constructing a railroad from Lake Michigan to the Pacific ocean.

Preamble.

WHEREAS, The construction of a railroad across the continent of North America, would make the United States the great highway between Europe and the populous and wealthy empires of Asia; would greatly facilitate our own intercourse with those regions; would consolidate the interests of our union; would connect Oregon and the Pacific coast with the Atlantic; and would give a fresh impetus to our great agricultural, manufacturing and commercial interests:

*And whereas*, This stupendous work can be accomplished by an appropriation and sale of the public lands, which would constitute a fund applicable for defraying the expenses of the undertaking, as a small part of them would furnish the means, and the value of the remainder would be greatly enhanced thereby:

*And whereas*, The plan of Mr. Asa Whitney, of New York, in its outlines, is, in our opinion, the only practicable scheme for the accomplishment of this great undertaking, which should be commenced without delay; therefore,

*Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met*, That we approve of Mr. Whitney's plan of constructing a railroad from Lake Michigan to the Pacific ocean, from an appropriation and sale of the



public lands on its line, connecting the sale and settlement of the lands with the building of the road, making it an individual enterprize, still under the control of congress; and we earnestly recommend the measure and the adoption of his plan to the early and favorable consideration and action of congress.

2. *Resolved*, That our senators and representatives in congress, be and they are hereby requested to give this measure their prompt attention and support.

3. *Resolved*, That the governor be and he is hereby requested to transmit a copy of this preamble and resolutions to each of our senators and members of the house of representatives, in the congress of the United States.

WILLIAM F. PACKER,  
*Speaker of the House of Representatives.*

WM. WILLIAMSON,  
*Speaker of the Senate.*

Adopted in the Senate, March 2, 1848.

SAM'L W. PEARSON, *Clerk.*

Adopted in the House of Representatives, March 3, 1848.

WM. JACK, *Clerk.*

#### No. 4.

### RESOLUTIONS

Relative to damages on the Conneaut line of the Erie extension of the Pennsylvania canal.

*Resolved, by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met*, That the awards for damages on the Conneaut line of the Erie extension of the Pennsylvania canal, as determined by the board of canal commissioners, and communicated to this legislature by the auditor general, under the provisions of the act of the tenth of April, one thousand eight hundred and forty-six, and the supplement thereto of thirteenth day of March, one thousand eight hundred and forty-seven, be and the same are hereby approved: *Provided*, That the amount awarded to Nicholas B. Doe shall be paid in manner as provided for the payment of damage by act of tenth April, one thousand eight hundred and forty-six, above referred to, by the Erie canal company, into the court of common pleas of Erie county; and the receipt therefor, by the prothonotary of the said court, shall be a good and sufficient voucher for all purposes in the hands of said Erie canal company.

Awards of damages on Conneaut line, Erie extension, Pennsylvania canal, to be paid.

Proviso.

*Resolved*, That the judges of the said court shall direct an issue, to be found for the purpose of determining whether the said Nicholas B. Doe is the bona fide owner, in fee simple, of the property for the damage done, to which the award above referred to was made; and if upon the trial of such issue, it be found that the title as aforesaid, to the said property, is or was at the time the damage was done, in some other

Court to direct an issue in the case of Nicholas B. Doe.

person or persons, then the said court shall make distribution of the proceeds of said award, or so much thereof as may be necessary, among the judgment lien creditors of such person or persons in manner provided in the second section of an act of the general assembly of this commonwealth, entitled "An Act relating to the distribution of damages arising from canals and railroads, and for other purposes," passed twenty-ninth May, one thousand eight hundred and forty-one.

WILLIAM F. PACKER,

*Speaker of the House of Representatives.*

WM. WILLIAMSON

*Speaker of the Senate.*

APPROVED—The sixth day of March, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

No. 5.

## RESOLUTION

Relative to the claim of James Mehaffy, of Lancaster county.

*Resolved by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, That the canal commissioners be and they are hereby authorized and directed to investigate the claim of James Mehaffy, for damage alledged to have been done his property, in consequence of the insufficiency of the canal at Marietta, in Lancaster county, and to report to the legislature, the result of such investigation.*

WILLIAM F. PACKER,

*Speaker of the House of Representatives.*

WM. WILLIAMSON,

*Speaker of the Senate.*

APPROVED—The fifteenth day of March, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

## No. 6.

## RESOLUTION

Providing for the payment of expenses attending the investigation of the matters of inquiry relative to Hon. W. N. Irvine, and in relation to the payment of the expenses of the senate committee of investigation of the courts of Philadelphia.

*Resolved by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met,* That the speaker of the house of representatives is hereby authorized and directed to draw his warrant upon the state treasurer in favor of William T. Sanders, for the sum of ninety-five dollars in full, for services as clerk to the investigating committee in the case of judge Irvine; and he is further hereby authorized and directed to draw his warrant upon the state treasurer in favor of Daniel M'Cleary, sergeant-at-arms of the house of representatives, for the sum of one hundred and seventy-one dollars and thirty-seven cents, in full for services rendered during the investigation aforesaid.

Payment of expenses of clerk and sergeant-at-arms, for services.

*Resolved,* That the speaker of the house of representatives be and he is further authorized and directed to draw his warrant on the state treasurer, for the daily pay and mileage of witnesses who attended before the above named committee, at the rate of one dollar per day, and eight cents per mile circular: *Provided,* That the accounts of the said witnesses be first submitted to, examined, and allowed by the committee on accounts of the house of representatives.

For the payment of witnesses' fees.

*Resolved,* That the speaker of the senate be and he is hereby authorized to draw his warrant upon the state treasurer for one hundred and twenty dollars, for the payment of the expenses of the committee appointed by the senate, to inquire into the patronage and business of the court of quarter sessions and orphans' court of the city and county of Philadelphia, which sum shall include the service of subpoenas, and all other expenses incurred by the committee.

Payment of expenses of senate committee of investigation into the affairs of the Phila. courts.

WILLIAM F. PACKER,  
*Speaker of the House of Representatives.*

WM. WILLIAMSON,  
*Speaker of the Senate.*

APPROVED—The fifth day of April, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

## No. 7.

## RESOLUTION

Relative to international exchanges proposed by Alexander Vattermare.

WHEREAS, Monsieur Alexander Vattermare, a citizen of the republic of France, having patriotically devoted his time, talents and fortune, for a period of twenty years, to bring about and perfect a system of international exchange of specimens of natural history and works of science and art between the different nations of the world :

*And whereas*, Said Monsieur Alexander Vattermare having presented to the commonwealth, at various times since the year one thousand eight hundred and forty-three, a large number of rare and valuable works, which have been deposited in the state library :

*And whereas*, Said Monsieur Alexander Vattermare having, at the request of the Pennsylvania delegation in the house of representatives in the congress of the United States, visited the capitol of this commonwealth, for the purpose of conferring with the legislature and officers of the government, in reference to the most expedient measures to be pursued in furtherance of his most praiseworthy and important enterprise :

*And whereas*, The present session of the legislature being about to expire, it is impracticable for it at this time to take such part in the consideration of the question, as it otherwise would take great interest and pleasure in doing ; therefore,

*Be it resolved by the Senate and House of Representatives in General Assembly met, and it is hereby resolved by authority of the same*, That the governor and secretary of this commonwealth be and they are hereby authorized and requested to confer with said Monsieur Alexander Vattermare, during the recess of the legislature, upon the subject referred to in the preamble to this resolution, and to adopt such measures as they may deem most expedient to carry out the object in view, and report thereon at the next session of the legislature.

WILLIAM F. PACKER,  
*Speaker of the House of Representatives.*

WM. F. JOHNSTON,  
*Speaker of the Senate.*

APPROVED—This tenth day of April, A. D. 1848.

FRS. R. SHUNK.

No. 8.

## RESOLUTION

In relation to the expenses of the funeral of Robert Black, deceased.

*Resolved by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met,* That the sum of fifty dollars be and the same is hereby appropriated, out of any moneys in the treasury unappropriated, to pay the expenses attending the funeral of Robert Black, deceased, a member of the house of representatives from the county of Mercer.

WILLIAM F. PACKER,  
*Speaker of the House of Representatives.*

WM. F. JOHNSTON,  
*Speaker of the Senate.*

APPROVED—The tenth day of April, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

No. 9.

## RESOLUTION

Relative to the specimens collected in the geological survey.

That on application to that effect, the secretary of the commonwealth be directed to deposit with the Western Pennsylvania University of the city of Pittsburg, the fourth collection of geological and mineralogical specimens now in Philadelphia; which said fourth collection was made by professor Rogers from the principal collections originally deposited in Harrisburg, Philadelphia and Pittsburg: *Provided however,* That the principal collections now in Harrisburg and Philadelphia, shall in no manner be disturbed or impaired by such deposit at Pittsburg.

*Resolved,* That the collection of geological and mineralogical specimens collected by professor Rogers, to be deposited in Philadelphia, and which is now stored in that city, be and the same is hereby presented to the corporation of the city of Philadelphia, on condition that the said corporation shall, within one year, deposit the same in some

public building or public institution in Philadelphia, where it shall be duly arranged in scientific order, and marked as the collection made by the state, and be kept open at all proper times for public inspection, free of charge.

WILLIAM F. PACKER,  
*Speaker of the House of Representatives.*

WM. F. JOHNSTON,  
*Speaker of the Senate.*

APPROVED—The eleventh day of April, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

## 4

[1846.]

## AN ACT

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That doctor William Wetherill, David Zook, Charles P. Shannon, Augustus W. Shearer, David Willson, John Kennedy, Richard C. Walker, William M'Cann, William Kennedy and doctor John Shrack, all of Montgomery county, be and are hereby appointed commissioners to do and perform the several duties hereinafter mentioned; that is to say, they shall on or before the first day of May next, procure a book or books, and enter therein as follows: "We whose names are hereunto subscribed, do promise to pay unto the president, managers and company authorized to erect a bridge over the river Schuylkill, at Port Kennedy, for the use of the said company, the sum of ten dollars for each share of stock set opposite to our respective names, in such manner and proportions, and at such times and places as shall be determined by the president and managers, in pursuance of an act of the general assembly of this commonwealth, entitled 'An Act authorizing the governor to incorporate a company to build a toll bridge over the river Schuylkill, at Port Kennedy, in the county of Montgomery.' Witness our hands, this \_\_\_\_\_ day of \_\_\_\_\_, one thousand eight hundred and forty-six;" and shall thereupon give notice in two newspapers printed in the said county, for one calendar month at least, of the times and places, when and where the said book or books shall be opened to receive subscriptions for the stock of the said company; at which times and places some one of the said commissioners shall attend, and shall keep open said book or books at least six hours in every day for three juridical days, if so many shall be necessary, and allow any person of the age of twenty-one years to subscribe therein, in his own name, or in the name or names of any person or persons by whom he shall be authorized so to do, for any number of shares in the said stock, until ten hundred shares shall be subscribed, when the books shall be

Commissioners.

Form of subscrip-  
tion.

Notice to open  
books.

Number of  
shares.  
Proviso.

closed; but if the whole number of shares should not be subscribed, the said commissioners may adjourn to such times and places as they shall think proper, and give such further notice as they may see necessary; and when the subscription shall amount to ten hundred shares as aforesaid, the books shall be closed: *Provided always*, That every person offering to subscribe in the book or books, in his own name or in that of any other person, shall, at the time of subscribing, pay to the attending commissioner or commissioners, one dollar on every share for which he shall subscribe, out of which money shall be defrayed the expenses of attending the taking such subscription, and other incidental expenses, charges, and the remainder shall be paid over to the treasurer of the corporation, as soon as the same shall be organized, and the officers thereof chosen, as is hereinafter directed.

Letters patent.

Style.

Privileges.

SECTION 2. That when five hundred shares of the said stock shall have been subscribed, the said commissioners, or a majority of them, shall certify, under their hands and seals, the names of the subscribers, and the number of shares subscribed by each, to the governor; and thereupon it shall and may be lawful for the governor, by letters patent, under his hand and seal of the state, to create and erect the subscribers, and if the said subscription be not full at the time, then also those who shall afterwards subscribe to the number aforesaid, into one body politic and corporate, in deed and in law, by the name, style and title of "The president, managers and company of the Schuylkill bridge at Port Kennedy;" and by the said name the subscribers shall have perpetual succession, and all the privileges and franchises incident to a corporation, and shall be capable of holding their said capital stock, and the increase and profits thereof, and of enlarging the same from time to time by new subscriptions, in such manner and form as they shall think proper, if such enlargement be thought necessary to fulfil the intent and meaning of this act, and of purchasing, taking and holding, to them, their successors and assigns, and of selling, transferring and conveying, in fee simple, or for any less estate, all such lands, tenements, hereditaments and estates, real and personal, as shall be necessary to them in the prosecution of their work, and of suing and being sued, and doing all and every other matter and thing which a corporation or body politic may lawfully do.

Organization.

SECTION 3. That the three first named persons in the letters patent, as soon as conveniently may be after the sealing of the same, shall give notice in two or more of the public newspapers in the county of Montgomery, of a time and place by them to be appointed, not less than thirty days from the time of issuing the first notice, at which time and place the said subscribers shall proceed to organize the said corporation, and shall choose, by a majority of votes of said subscribers, by ballot, to be delivered in person, one president, six managers and one treasurer, who shall serve until other officers shall be lawfully elected or chosen, as hereinafter directed, and may make such rules, orders, regulations and by-laws not inconsistent with the laws of this commonwealth, as shall be found necessary for the well ordering the affairs of the said company, and generally to have all the powers, authorities and privileges necessary for erecting, maintaining and keeping in repair the said bridge.

Annual meetings.

Proviso.

SECTION 4. That a public meeting of the said stockholders shall be held annually, at such time and place as shall be fixed by the rules and by-laws of the said company, for the purpose of choosing officers for the ensuing year, and the transaction of such business as may come before them: *Provided*, That no person shall have more than ten votes at any election, or in determining any question arising at such meeting,



whatever number of shares he may be entitled to, and that each person shall be entitled to one vote for every share under ten.

SECTION 5. That the president and managers shall procure certificates of stock in the said company, which shall be signed by the president, and countersigned by the treasurer, and sealed with the seal of the corporation; and each stockholder shall be entitled to a certificate for each share by him subscribed or held, on paying to the treasurer, in part of the sum due thereon, two dollars on each share; which certificate shall be transferable, either by the owner in person or by his attorney duly authorized, in the presence of the president or of the treasurer for the time being; subject, however, to the payments due or to become due thereon; and the person to whom such transfer shall be made, shall stand in the place of the former holder, and be entitled to the same privileges, and liable to the same responsibilities to the company. Certificates of stock. Transferable.

SECTION 6. That the president and managers shall meet at such times and places, and be convened in such manner as shall be prescribed by the by-laws; at which meetings five members shall form a quorum, who, in the absence of the president, may choose a chairman, and shall keep minutes of all their transactions, fairly entered in a book; and at any such meeting, a quorum being present, they shall have full power and authority to agree with and appoint such engineers, superintendents, artists and other officers as they shall think necessary for the erection or construction of the same, or any part thereof; they shall also determine the times, manner and proportions in which the stockholders shall pay the money due on their respective shares, draw orders on the treasurer for the money necessary to pay salaries, wages and bills for work or materials, or on account of contract, which orders shall be signed by the president, or in his absence by a majority of the quorum, and countersigned by the clerk, and do and transact all such matters and things as by this act or the by-laws of the company shall be committed to them. Quorum. Powers and duties of board.

SECTION 7. That if any stockholder, after thirty days' notice, given in two or more newspapers printed in said county, of the time and place appointed for payment of any instalment of the capital stock, shall neglect to pay such instalment at the time appointed, every such stockholder, or his assignee, shall, in addition to the proportion so called for, pay legal interest for every such delay of payment; and if he does not pay after notice be given him, then, at the option of the company, such shares shall be forfeited to the company, and may be sold by them to any other person or persons willing to purchase, for such price as can be obtained therefor; or the president and managers may sue for and recover the same, before any justice of the peace, or before any court of competent jurisdiction. Payment of instalments regulated.

SECTION 8. That whenever it shall appear to the said president, managers and company, at any general or special meeting, that the said bridge cannot be completed without extending the number of shares, the same shall be extended, under the direction of such meeting, so far as may be necessary to complete said bridge; which additional shares shall be sold by the president and managers, and shall entitle the holder to the same rights and privileges as those originally subscribed. Increase shares.

SECTION 9. That when a safe passage may be had across said bridge, the property of the same shall be vested in the said company, their successors and assigns forever; and the said company, their successors and assigns, are hereby empowered to erect gates, and demand and receive toll at not exceeding the following rates, to wit: For every score of sheep, six cents; for every score of hogs, ten cents; for every score of cattle, twenty cents, and so for a greater or less number; for every Tolls.

	horse or mule, three cents; for every horse and rider, five cents; for every foot passenger, one cent; for every sulkey, chair or chaise, with one horse and two wheels, ten cents; for every chariot, coach, phaeton or chaise, with two or more horses, with four wheels, ten cents per horse; and for every carriage of pleasure, the like sum, under whatsoever name it may pass; for every stage wagon, with two horses, ten cents; for every such wagon drawn by four horses, twenty cents; for every sleigh, five cents for every horse drawing the same; for every sled, three cents for every horse drawing the same; for every wagon or cart, five cents for each horse drawing the same; and two oxen shall be estimated equal to one horse: <i>Provided</i> , That said bridge shall be so constructed as to admit any load not exceeding six tons, and drawn by not more than eight horses or oxen, at all times to cross it; and the said president and managers, however, to have the power to increase the toll to be demanded for any carriage of burden crossing the said bridge laden with more than three tons to any amount not exceeding treble the above rates, and to grade them according to the weight of the load and the number of horses drawing the same: <i>And provided also</i> , That no toll shall be demanded from any person attending funerals, churches, schools, or going to or returning from any militia training.
Proviso.	
Proviso.	
Penalty on extortion.	SECTION 10. That if the said company or their successors, or any person or persons by their authority, shall collect or demand any greater amount of tolls for passing said bridge than what are hereinbefore prescribed and specified, or shall neglect to keep the same in good repair, or to keep a list of the rates of toll placed near the bridge, on six days' notice given by or from any justice of the peace of said county, they so offending shall, for every such offence, forfeit and pay the sum of thirty dollars, to be recovered as debts of the same amount are recoverable—one moiety thereof to go for the use of the poor of the county, the other moiety for the use of the person who shall sue for the same; but no suit shall be brought, unless commenced within thirty days after the offence shall have been committed.
Accounts.	SECTION 11. That the said president and managers shall keep a just and true account of all moneys received as toll, for crossing said bridge or otherwise, and shall make and declare a dividend of the profits and income, after deducting costs, charges and expenses; and shall, on the first Mondays of May and November of every year, publish the dividend to be made of the clear profits thereof amongst the stockholders, of the time and place when and where the same shall be paid, and shall cause it to be paid accordingly: <i>Provided</i> , That it shall be lawful for the said president and managers, in making and declaring any dividends, to reserve such sum or proportion of the clear semi-annual income, not exceeding one per cent. on the capital stock, as they may think proper, to form a contingent fund for the purpose of repairing and re-building said bridge in case of decay or injury; and the same to invest in such security, or in such stock as they shall deem safe and productive, and the interest arising therefrom again to invest; and the same stock to sell or transfer at any time when the funds may be required, or dispose of to advantage to said company.
Dividend.	
Proviso.	
Collectors and watchmen to be sworn.	SECTION 12. That it shall be lawful for the president and managers aforesaid, to cause the toll collector or collectors, or watchman or watchmen of said bridge, to take and subscribe an oath or affirmation before a competent officer to administer the same, of said county, that he or they will faithfully conduct themselves in their respective stations, and honestly account to the treasurer of the company all the money collected by him or them, and diligently attend to the discharge of his or their duty, by watching with vigilance over the interest of the com-

pany and safety of the bridge ; and generally to execute with care and fidelity whatever lawful engagement he or they may enter into with the president and managers of said bridge.

SECTION 13. That if any person or persons shall wilfully pull down, break, injure or destroy any part or parts of said bridge, or any toll house, gates, bars, or other property of the said company appurtenant thereto, or erected for the use or convenience of said bridge, or of the person employed in attending to the same, or shall wilfully, without the consent or orders of said corporation, deface or destroy any list of the rates of toll affixed in any place or places, for the information of passengers and others, or who shall wilfully or maliciously obstruct or impede the passage on or over the said bridge, or any part or parts thereof, he, she or they so offending, shall each of them forfeit and pay for every such offence, to said corporation, the sum of twenty dollars, to be recovered before any justice of the peace, as debts of a like amount are recoverable ; and if any person shall be guilty of carrying a lighted segar, pipe, or fire in any manner whatever, over said bridge, except in a lantern, or some vessel secured, so that the possibility of its setting fire to the bridge shall be fully prevented, or who shall fire any squib, cracker, rocket or other fire works, or who shall discharge any gun, pistol or other fire arms, on or near said bridge, so that said bridge might, by possibility, be fired or injured thereby, he or they so offending, shall forfeit and pay to the said corporation the sum of five dollars for every such offence, to be recovered as aforesaid ; but no suit shall be brought for any of the aforesaid offences, unless commenced within thirty days after such offence shall have been committed ; and he or they so offending, shall remain liable to actions at the suit of said corporation for such wrongs, if the said sum or sums herein mentioned be not sufficient to repair and satisfy said damages. Injuries to work punishable.

SECTION 14. The county commissioners of the county of Mont-County commissioners may subscribe to stock. gomery, with the approbation of the judges of the court of quarter sessions and grand jury of said county, are hereby authorized to subscribe for any number of shares, not exceeding one hundred shares, for the use of the county, of the stock of said company, upon the same conditions and terms as individuals, and upon such subscription made, besides having the right to vote at the annual and other elections and meetings of said company as stockholders.

SECTION 15. That said commissioners, or a majority of them, shall have power to appoint one or more to their number if it be necessary, and to fill such vacancies that may occur. Vacancies may be supplied.

SECTION 16. That if the said company shall not proceed to carry on said work within two years after they shall have been incorporated, or shall not within the space of five years thereafter complete the said bridge, it shall and may be lawful for the legislature of this commonwealth, to resume all and singular the rights, liberties and privileges hereby granted to said company. Limitation.

FINDLEY PATTERSON,  
*Speaker of the House of Representatives.*

DANIEL L. SHERWOOD,  
*Speaker of the Senate.*

APPROVED—The ninth day of March, one thousand eight hundred and forty-six.

FRS. R. SHUNK.

No. 420.

## AN ACT

To incorporate the Southwark and Moyamensing gas company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That*

Commissioners.

William G. Alexander, Jacob Sheetz, Charles Rizer, James Graham, (grocer,) William Henwood, C. Francis Brewill, Peter Williamson, William Laughlin, Philip Eleman, Charles H. Mansfield, Matthew Wray, John Dowling, Peter Glasgo, James Enue, junior, Enos Gandy, Thomas M'Coy, John Paschal, Francis Lyons, William Clark, Jesse Johnson, Thomas Robb, Archibald M'Elroy, Francis M'Bride, William J. Crans, Isaac Baxter, junior, P. A. Fagan, Peter Cullin, (South street) Thomas M'Cully, Hugh O. Donnell, William Craig, D. Francis Condie, M. D., John Paisley, Andrew Miller, John Oakford, Samuel Reckless, Edward C. Knight, Charles Clare, J. N. Marsellis, M. D., Joshua M. Raybold, J. Rodman Paul, M. D., John Baylis, Joseph Moloy, colonel John Thompson, John Cuthbert, Philip Carlin, Charles Jones, Joseph L. Smith, Thomas Mercer, James M'Menomy, Charles M'Donough, John Williams, William F. Knowls, alderman, John D. Hoffner, John K. Loughlin, Thomas Meaney, Michael M'Glaughlin, John Dimond, Thomas Throp, James M'Claskey, John W. Ryan, Jacob W. Young, of the county of Philadelphia, or any five of them,

Duty of commissioners.

be and they are hereby appointed commissioners to do and perform the several things hereinafter mentioned; that is to say, they shall, on or before the first Monday in December next, procure a book, which shall be opened at some convenient place in the district of Southwark, or township of Moyamensing, in which they shall enter as follows:—

Form of subscription.

“We whose names are hereunto subscribed, do promise to pay to the treasurer of the Southwark and Moyamensing gas company, the sum of ten dollars for each and every share of stock set opposite to our respective names, in such manner and proportions, and at such times as shall be determined on by the board of directors, in pursuance of an act of the general assembly of this commonwealth, entitled “An Act to incorporate the Southwark and Moyamensing gas company.” Witness our hands this                      day of                      , in the year

Open book and receive subscriptions.

of our Lord one thousand eight hundred and forty-six;” and thereupon shall give notice in two newspapers printed in the city of Philadelphia for one week, of the time and place, when and where the said book will be opened to receive subscriptions for the stock of said company; at which time and place two or more of the said commissioners shall attend, and permit all persons of lawful age, who shall offer to subscribe in the said book in their own names, or in the names of any other person who shall authorize the same, for shares of the said stock, upon paying an instalment of two dollars on each share of stock so by them subscribed; and the said book shall be kept open for the purpose aforesaid, three hours each day for two successive days, or until the whole number of ten thousand shares shall have been subscribed; and if at the expiration of the said two days, the whole of the ten thousand shares of stock shall not have been subscribed, the commissioners may

meet, from time to time, until the whole may be subscribed for by any person or persons.

SECTION 2. When one thousand shares or more of the said stock shall be subscribed, and the sum of two dollars paid on each share so subscribed, the commissioners, or a majority of them, shall certify to the governor under their hands and seals, the names of the subscribers, the number of shares subscribed, and the sum of money paid thereon by each; whereupon the governor shall, by letters patent under his hand and the seal of the commonwealth, create and erect the subscribers (and if the subscriptions be not for the full number of ten thousand shares at the time, then also those who may thereafter subscribe for the residue of the shares as aforesaid) into a body politic and corporate in deed and in law, by the name, style and title of "The Southwark and Moyamensing gas company;" and by the same name the subscribers shall have perpetual succession, with all the privileges, franchises and immunities incident to a corporation, and be able and capable to sue and be sued, implead and be impleaded in all courts of record or elsewhere; and to purchase, receive, have, hold and enjoy to them and their successors, all lands, tenements and hereditaments, goods, chattels, materials, personal and mixed estate, as may be necessary and proper for carrying into effect the objects and purposes of this incorporation, and the same, from time to time, to sell, exchange, mortgage, grant, alien, or otherwise dispose of; and shall have power to make, ordain, establish and put in execution such laws, ordinances and regulations as shall appear necessary and convenient for the government of said corporation, not being contrary to the laws and constitution of the United States, or of this commonwealth; to make dividends semi-annually, of such portion of the profits actually made, as the directors for the time being may deem proper; and also to have and make a common seal, and the same to alter and renew at pleasure, and generally to do all and singular the matters and things which to them it shall lawfully appertain to do, for the well being of the said corporation, and the ordering of the affairs of the same; the said corporation shall have power and authority to erect suitable works for the manufacture and distribution of carbureted hydrogen gas from bituminous coal, for public and private illumination, to lay pipes in all or any of the streets, alleys or lanes of the district of Southwark, and township of Moyamensing: *Provided*, That when any of the public highways shall be broken up, or disturbed by the said corporation for the introduction of gas, the same shall be repaired as soon as practicable by the company, at their own expense, under the superintendence of the authorized agent or agents of the district of Southwark, or township of Moyamensing, as the case may be.

SECTION 3. Within sixty days after the issuing of the letters patent, the commissioners, or a majority of them, shall give at least ten days' notice, to be published in two daily newspapers of the city of Philadelphia, of the time and place by them appointed for the subscribers of the stock to meet, for the purpose of organizing said company by holding an election, to choose by a majority of votes of said subscribers then present, five directors, (being stockholders,) who shall hold their offices until the first Monday of May next succeeding the said election; and annually thereafter, on the first Monday of May in each year, the stockholders shall elect five directors, who shall have the management of the affairs of the company; the directors for the time being, shall be empowered to fill any vacancy which may occur in their board; and each stockholder shall be entitled, at any election or meeting of the company, to one vote for each share of stock by him or her held: the directors shall choose annually, from their number, a presi-

Letters patent.

Name.

Privileges.

By-laws.

Dividends.

Seal.

Object.

Proviso.

Organization.

Annual election.

Votes.

**Powers.** dent, and they shall have power to erect works, make contracts, adopt by-laws, make rules and regulations, elect officers, and do all other things needful, to carry into effect the objects of this act; they shall keep accurate accounts of their receipts and expenditures, and shall submit to the stockholders, at their annual meeting in May, a report of the condition of the company.

**Accounts.** SECTION 4. The shares of the said company shall consist of ten thousand, but may be increased to twenty thousand; and should any of the stockholders neglect or refuse to pay their instalments on the capital stock, at the time and place appointed, after thirty days' notice requiring the same, the amount previously paid on such stock, shall become forfeited to the company, and said stock may be sold to any person, by the directors, for such price as can be obtained for the same.

**Whole number of shares.** SECTION 5. If the said directors shall deem it inexpedient to erect works for the manufacture of gas, they are hereby empowered to employ the capital thereof, or as much as may be deemed necessary, in laying pipe for the distribution of gas for public and private illumination, and to contract for, and purchase from any other person or persons or corporation, the gas to be sold by them.

**When shares may be forfeited.** SECTION 6. Any person or persons who shall wilfully injure any part or parts of the works of the said company, or any pipe of the same, or shall interfere with any of the rules and regulations of the said company, so to endanger the property of any person, or inflict injury upon this corporation, shall be deemed guilty of a misdemeanor, and upon conviction of the same before any alderman, justice of the peace, or other authorized officer, shall be fined a sum of not less than ten, nor more than fifty dollars for every such offence.

**Power to distribute gas.** SECTION 7. If the said company shall not carry into operation the objects of their charter, within the term of three years from the passing of this act, then this charter shall become null and void.

**Penalty for injuring works.** FINDLEY PATTERSON,  
*Speaker of the House of Representatives.*

DANIEL L. SHERWOOD,  
*Speaker of the Senate.*

**When charter shall become void.** APPROVED—The thirteenth day of April, one thousand eight hundred and forty-six.

FRS. R. SHUNK.

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No. 421.

## AN ACT

To incorporate the York and Cumberland railroad company.

**Commissioners.** SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* William Ilgenfritz, Adam J. Glossbrenner, Samuel Small, Jacob Em-

met, Michael Doudel, Robert J. Fisher, captain William Patterson and Thomas C. Hambly, of the borough of York, Martin Crull, Mills Hays, esquire, Samuel G. Kister and John Macklin, of Newbury township, James Starr, Jacob Miller, Benjamin H. Mosser and Jacob Kirk, of Fairview township, John Rankin, Robert Nebinger, of Lewisberry, York county; George Crist, R. R. Church, doctor Andrew Patterson, Robert Bryson, Lewis Hyer, Hyman Longnecker, of Allen township, Ira Day, A. H. Vanhoff, Adam Reigle and Michael Hoover, of Mechanicsburg, Frederick Watts, James H. Graham, John M. Woodburn, Wm. M. Henderson, Andrew Blair, Robert Irvin, Wm. M. Biddle, David Nevin, Michael Cocklin, James Eckle, Wm. C. Houser, Cumberland county; Jacob M. Haldeman, Valentine Hummel, Simon Cameron, Philip Dougherty, J. M. G. Lescure, Joseph Ross, Larue Metzgar, Stephen Atherton, John Croll, of Dauphin county, or any five of them, be and they are hereby appointed commissioners, to do and perform the following duties: that is to say, they shall, on or before the first day of September next, open a book or books at such place or places as they or a majority of the said five shall agree upon, appointing one or more of their number to attend thereat, and receive the subscriptions so made to the stock of the said company, and in the said book or books shall be written as follows: "We whose names are hereto subscribed, do severally promise to pay to the treasurer of the

Form of subscription.

York and Cumberland railroad company, the sum of twenty-five dollars for each share of stock which we subscribe for, in such proportion, time and place as the president and directors of said company shall direct.

Witness our hands and seals, this day of  
one thousand eight hundred and ;"

of the opening of which book or books four weeks' notice shall be given, by advertisement in all the newspapers in Harrisburg, York and Cumberland counties, and in any other papers which the said commissioners may direct; the said books shall be kept open for two weeks at least in each place, for the space of six hours in each juridical day, unless the capital stock of said company shall be subscribed for before the expiration of that time, when the said books shall be closed. The capital stock of said company shall consist of sixty thousand shares; and all persons shall be permitted to subscribe in said books, who are of lawful age, either by themselves or by legally authorized attorneys in fact; and any incorporated company or body politic, may be authorized to subscribe as aforesaid: *Provided*, That no subscription shall be received unless the person so subscribing shall pay, at the time of subscribing, one dollar on each share so taken.

Notice of opening books.

Capital stock.

Proviso.

SECTION 2. When three thousand or more shares of said stock shall be subscribed, the said commissioners, or any five of them, shall certify to the governor, on oath or affirmation, the names of the subscribers, and the number of shares taken by each; whereupon the governor shall, by letters patent, under his hand and the seal of the commonwealth, create and erect the subscribers, together with those who may afterwards subscribe, as a body politic and corporate, in deed and in law, by the name, style and title of the York and Cumberland railroad company; and by that name to have perpetual succession, with all the privileges, franchises and immunities incident to a corporation; and be

Letters patent.

Style.

Privileges.

able by the said name, to sue and be sued, plead and be impleaded in all courts of record and elsewhere, and to purchase, receive, have, hold and enjoy, to them and to their successors, lands, tenements and hereditaments, goods and chattels, with estates, real, personal and mixed, of what kind or quality the same may be, which may be necessary for the construction of said railroad, and for no other purpose; and to make



such dividends of the profits of the road from time to time, as the president and directors, or a majority of thereof, may determine; and also to make and have, keep and use a common seal, and the same at any time to alter or renew; and also to make and ordain such by-laws and regulations for the government of said corporation as are necessary and useful, and not contrary to the laws of this commonwealth or of the United States: *Provided*, That the said company shall not be allowed to exercise any banking privileges, or any other liberties and privileges than such as are necessary to the making and maintaining of said railroad, except such as are hereinafter stated and granted for the purpose of erecting and maintaining a bridge across the Susquehanna.

Proviso.

Organization.

SECTION 3. The commissioners before named, or a majority of them, as soon after the said letters patent are obtained as convenient, shall give notice by advertisement for three weeks, in the papers before named, of the time and place appointed for organizing said company; and at the time and place appointed as aforesaid, tellers shall be elected by those present, when a president and six directors from the stockholders shall be ballotted for; and a majority of the stockholders present, either in person or by proxy, which proxies shall bear date within three months of the day on which said election shall be held, shall elect a president and directors, four of whom, with the treasurer, shall be residents of the counties through which said road may pass; and at all such elections each share of stock shall entitle the holder thereof to one vote, and the persons having the greatest number of votes shall be elected. The said president and directors, or a majority of the same, shall appoint such other officers and agents as shall be needed in conducting the business of said company, and shall fix the compensation of the same; the said president and directors shall hold their offices for one year, from the said day of election, when a new election shall be held: *Provided also*, That if any such election shall fail to take place, that the said company shall not thereby be dissolved, but an election may take place at any time thereafter, on like public notice as above; and in case any vacancy shall occur in the board from death, resignation, or refusal to act, the said vacancy shall or may be supplied by the directors, or a majority thereof, until the next election.

Proviso.

Quorum.

Duties of board.

SECTION 4. That said president and directors shall meet at such time and place as may by them be agreed upon, and five thereof shall constitute a quorum, of whom, in the absence of the president, they shall pro tempore elect a chairman; they shall keep minutes of all their transactions fairly entered in a book to be kept for that purpose; and all orders drawn upon the treasurer shall be signed by the president, after a resolve to that effect has passed the board.

Certificates of stock.

Transferable.

SECTION 5. The president and managers first chosen shall procure certificates of stock for all the shares of the said company, and shall deliver one such certificate, signed by the president and countersigned by the treasurer, and sealed with the common seal of the said corporation, to each person for the share or shares by him subscribed and held; which certificate or evidence of stock shall be transferable at his pleasure, in person, or by attorney duly authorized, in the presence of the president or treasurer, each of whom shall keep a book for that purpose, subject however to all payments due or to become due thereon; and the assignee holding any certificate, having first caused the assignment to be entered in a book of the company to be kept for the transfer of stock, shall be a member of the said corporation, and entitled to one share in the capital stock of and in all the estates and emoluments of the company, incident to such share or shares, and to vote as aforesaid, at the meetings thereof, and subject to all penalties and forfeitures, and



to being sued for the balance or penalty due, or to become due on each share, as the original subscriber would have been.

SECTION 6. If a sufficient amount of the capital stock of the company shall not have been subscribed to complete the railroad hereby authorized to be made, the president and directors may borrow, on such terms as they may deem advisable, any sum which may be necessary for that purpose, (not exceeding, in the whole, the amount of the stock of the company,) and may pledge the fee simple of all their property, rights and privileges, as well as the tolls of the road, for the security and re-payment thereof. The said president and directors may, if they deem it advisable, receive subscriptions for the whole or any part of the balance of the capital stock of the company, with the condition annexed to such subscriptions, in such form as they may adopt, that as soon as the road is completed and put in operation, the stockholders or their assignees shall, every six months thereafter, be entitled, in paying any accounts due to the company for tolls on the transportation of passengers, or produce and merchandize on the road, to a credit of not less than two per cent. in the six months, on each share of stock: *Provided*, That the credits so allowed shall be deducted from the dividends which such stockholders might otherwise be entitled to receive; and in such case the stock previously subscribed shall be placed on the same footing with that which may be thus issued. Borrow money.  
Proviso.

SECTION 7. Dividends of so much of the profits of the institution as shall appear advisable to the president and managers, shall be declared at least twice a year, in every year, and paid to the stockholders, on demand, at any time after the expiration of ten days therefrom; but they shall in no case exceed the amount of net profits actually acquired by the company, so that the capital stock shall never be thereby impaired. If the said president and managers shall make any dividend which shall impair the capital stock of said institution, the president and managers consenting thereto shall be liable, in their individual capacities, to said company, for the amount of the stock so divided; and each manager present when such dividend is made, shall be judged to be consenting thereto, unless he forthwith enter his protest on the minutes of the board, and give public notice to the stockholders at the declaring of such dividend: *Provided*, No dividend shall exceed ten per cent. per annum; nor shall the contingent fund of the company at any time exceed one-fourth of their capital stock: *Provided*, That whenever such dividends shall exceed six per centum per annum, the said company shall pay a tax of eight per centum on all such dividends, into the treasury of the commonwealth; and the president of the said company shall annually, in the month of January, transmit to the legislature, under oath or affirmation, a statement of the receipts and expenditures thereof, and of any dividends which may have been declared during the preceding year. Dividends.  
Proviso.  
Proviso.

SECTION 8. That it shall be the duty of the president and managers of said company, as soon as said railroad shall be completed for the transportation of passengers and freight, to prepare a full and accurate account of the cost of said railroad, authenticated by the oath or affirmation of the president and secretary of said company, and communicate the same to the auditor general, who shall file the statement in his office; and within six months after the completion of said railroad, and semi-annually thereafter, the proper officer or agents of the said York and Cumberland railroad company shall make out, under oath or affirmation, and transmit to the treasurer of this state, a statement exhibiting the amount of tonnage of whatsoever kind or description, and the number of passengers that may have passed over the entire length of said Account of cost  
of road to be  
made to auditor  
general.

	road, between York and the connection on the Cumberland Valley railroad, during the preceding six months; and that they shall also, at the same time, pay into the treasury of this commonwealth, a tax or duty on all tonnage, of whatsoever kind or description, except the ordinary baggage of passengers, that may have passed over the entire extent of said road during the preceding six months, at such rate as the legislature may hereafter direct, not exceeding twenty-five cents on every ton thereof; and also pay into the treasury aforesaid, at the same time, a tax or duty on all passengers that may have passed over the entire distance of said road, between the aforesaid points, during the last preceding six months, at such rates as the legislature may hereafter direct, not exceeding fifteen cents for each passenger; and the legislature hereby reserves the right to adopt such additional measures to secure a faithful compliance with the conditions of this proviso, as may hereafter be deemed necessary and right: <i>And provided also</i> , That if it shall be deemed necessary, the governor of this commonwealth may appoint a state agent or agents, not exceeding one for each train of cars, who shall have the right to travel, at all times, over said road, in the cars or other vehicles of said company as shall or may be used for the transportation of passengers, free of any charge; and who shall have free access, at all times, to examine and inspect the books, accounts, waybills, bills of freight, permits, manifests, and all such other books and papers of the said company, as may be necessary and proper to enable the said agent or agents to ascertain and keep a true and just account of all the goods, wares, merchandize and tonnage of every kind and description, that shall or may be carried or transported on or over said road, and the number of passengers traveled on the same: <i>And provided also</i> , That if a greater number of agents on said road shall be required by any act of the legislature of Pennsylvania, the governor may appoint an additional number, who shall have a right to pass free of charge as aforesaid.
Proviso.	
Proviso.	
Instalments.	SECTION 9. If any stockholder neglect, after thirty days' notice, to pay up the instalments of his stock, he shall be liable to pay, in addition to the said instalment, at the rate of twelve per cent. for one year on all the sums which may remain due for such length of time; and a neglect or refusal to pay during any greater length of time, may, in the discretion of the president and directors, be considered as a forfeiture of such stock to the company.
Construction of road.	SECTION 10. The president and directors of said company, by themselves or their agents, shall have power to construct a railroad, not exceeding sixty feet in width, from within the borough of York, to unite with the Cumberland Valley railroad at some point between Mechanicsburg and west of the Susquehanna river: <i>Provided</i> , That said railroad shall not in anywise obstruct or interfere with any towing path, locks or dams of the Codorus navigation; and the said company shall have power, by themselves or their agents, to enter in and upon, and to occupy any land on which the said railroad may be located, or which may be necessary for the use of said company, and thereon to construct said road, with its necessary buildings and fixtures; and likewise construct any bridge or bridges across any navigable stream, not obstructing the same, the said company paying or satisfying the owner of such land so taken; and if the parties cannot agree upon the compensation for the damages so done, or the land thus required, it shall be lawful for the said parties to choose five men out of any county adjoining that in which the land so required is situated, to assess the damages sustained, or value the lands taken or required by said company; and if they cannot agree upon five persons as aforesaid, then it shall be
Proviso.	
Powers.	
Damages to be ascertained and paid.	

lawful for either party to apply to the court of common pleas of the county in which the land so required is situated, or in which damages have been done, who shall award a venire to the sheriff to summon a jury of seven good, judicious and disinterested men, from any adjoining county, to come together on a given day, of which both parties shall have notice, in order to ascertain, and report to the said court, the damages, if any, which have accrued to the owners of any lands, houses or other buildings injured by said company, or the value of the lands taken up or required for the construction of said railroad, as the case may be; which said jury, being first sworn or affirmed justly and equitably to assess the damages, if any, which may have been sustained, or the value of the land so required, shall proceed to estimate such damages, or the quantity and quality of the land to be occupied by the said road, taking into consideration the advantages, as well as the disadvantages of the same, and shall report the amount of damages, or value of the land, as the case may be, to the court; which report shall be confirmed in twenty days after the filing of the same, unless exceptions be entered by either; in which case, if exceptions be filed by the persons claiming damages, the said company may be permitted, upon tendering to the claimant, or paying into court the amount of damages so assessed, to enter upon said land, and proceed with their work; subject, however, to the amount which the claimant may be enabled to establish, on final judgment, against them: *Provided always*, That in case the owner or owners of any of the lands through which said road shall pass be feme covert, minors, non compos mentis, or living out of state, without trustees, guardians, committees or accredited agents residing in the county in which their lands are situated, then it shall be the duty of the said company to make known the fact to the said court, who shall appoint some suitable person or persons to act in their behalf, under the control of said court. The said company shall also have power to enter upon any lands under the same regulations, to dig, take and carry away any earth or stone, or other materials which may be necessary for the construction or repairing of the said road: *Provided*, That neither the said company, its officers or agents or workmen, shall enter on any lands for such purpose, except for the purpose of surveying and of locating the road, without the consent of the owner, until the company shall pay to such owner the amount of damages he may sustain by entering on his lands, and the value of the earth or stone or other materials which may be required for said company, or give security for the payment of the same within six months from doing the damage, or taking such earth or stone or other materials; and in case the parties cannot agree on the amount, the same shall be fixed by three disinterested freeholders, to be appointed by the court of common pleas of the county in which the land lies, or from which the materials are taken, or by one of the judges thereof, in vacation, on the application of either party, with notice to the other party.

Proviso.

Proviso.

SECTION 11. The said railroad shall be so constructed as not to impede or obstruct the free use of any public road, street, lane or bridge, now laid out, opened or built, nor to run through any burial ground, nor destroy any part of any dwelling house or other building, without the consent of the owner; and where the said road severs the lands of any person or persons, the company shall be required to erect and maintain good and convenient crossings, either by bridges, causeways or otherwise, where the same may be necessary.

Construction of road prescribed.

SECTION 12. The said company shall have power to keep and maintain such motive powers as they may deem necessary for the said road, and to regulate the time and manner of traveling, the kind and descrip-

Motive power.

- tion of cars to be used for the transportation of passengers or freight, and the compensation to be received by the said company for the same, and may contract with any other company, individual or individuals, for suitable and proper compensation, to allow and permit locomotives or cars, other than those belonging to this company, to pass over and upon said road: *Provided*, That the toll and charge for transportation, on any species of property, shall not exceed eight cents per ton per mile, nor upon each passenger three cents per mile.
- Proviso.
- Statements. SECTION 13. At each meeting of the stockholders, the president and directors of the preceding year shall make a statement of the condition of the company: *Provided also*, That whenever the president and a majority of the directors may see proper, a general meeting of the stockholders may be called, or when those representing one-third part of the capital stock shall request it.
- Proviso.
- Limitation. SECTION 14. If the company aforesaid do not complete the said work, so as to bring it into use within five years after the passage of this act, or after completion, shall suffer the road to go to decay, and become impassable for the space of two years, then this charter shall become null and void.
- Annual abstract. SECTION 15. At the end of three years from the granting of this charter, the said company shall furnish annually thereafter an abstract of their financial condition to the auditor geneial; and if the said company misuse or abuse any of the privileges hereby granted, the legislature may resume the rights and privileges hereby granted to the said company.
- Lateral railroads. SECTION 16. The company shall not prevent any person or persons, being the owner or owners of land bordering on the said railroad, or adjacent thereto, from making such lateral roads, and from connecting them with the said railroad from their said lands, as the said person or persons may conceive to be necessary, for the purpose of transporting merchandize, stone, timber, produce or coal, upon the said railroad:
- Proviso. *Provided*, The same be under the regulation and control of the said company, so as to prevent mis-management and accident: the legislature hereby reserves the right to alter, revoke or annul this charter, whenever, in their opinion, it may be injurious to the citizens of this commonwealth: *Provided*, No injustice shall be done to the corporators.

FINDLEY PATTERSON,  
*Speaker of the House of Representatives.*

DANIEL L. SHERWOOD,  
*Speaker of the Senate.*

APPROVED—The twenty-first day of April, one thousand eight hundred and forty-six.

FRS. R. SHUNK.

No. 422.

## AN ACT

To authorize the governor to incorporate the Delaware, Lehigh, Schuylkill and Susquehanna railroad company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same.* That James M. Porter, A. H. Reeder, D. D. Wagener, Samuel Yohe, Jacob Abel, Abraham Miller, Peter Michler, Jacob Wolle and Henry Guetter, of Northampton county, Peter Mickley, Casper Kleekner, Benjamin Ludwig, Christian Pretz, Peter Huber, William Edelman, Henry King and George Probst, of Lehigh county, Asa Paeker, Stephen Balliet, John D. Bowman and Thomas Craig, of Carbon county, and F. W. Hughes, William Mortimer and Benjamin Heilner, of Schuylkill county, or any two of them, be and they are hereby appointed commissioners to do and perform the several things hereinafter mentioned; that is to say, they shall on or before the first day of November next, procure three books, one of which shall be opened at Mrs. White's hotel, in Easton, and one at the Pennsylvania Hall, in Pottsville, Schuylkill county, and one at the house now kept by George Haberacker, in Allentown, Lehigh county, in each of which they shall enter as follows: "We whose names are hereunto subscribed, do promise to pay to the president and managers of the Delaware, Lehigh, Schuylkill and Susquehanna railroad company, the sum of fifty dollars for every share of stock set opposite to our respective names, in such manner and proportions, and at such times as shall be determined by the president and managers of the said company, in pursuance of an act of the general assembly of this commonwealth, entitled 'An Act to authorize the governor to incorporate the Delaware, Lehigh, Schuylkill and Susquehanna railroad company.' Witness our hands the       day of       , one thousand eight hundred and forty       ;" and shall thereupon give notice in one newspaper printed in the borough of Easton, in one newspaper printed in the borough of Pottsville, and in one newspaper printed in the borough of Allentown, two weeks at least, of the times and places when and where the said books shall be kept open to receive subscriptions for the stock of the said company, at which respective times and places one or more of the commissioners shall attend, and permit all persons of lawful age, who shall offer to subscribe in said books in their own names, or in the names of any other person who shall authorize the same for shares in the said stock; and the said books shall be kept open respectively for the said purpose, at least six hours in every juridical day, for the space of three days, or until there shall have been subscribed thirty thousand shares; and if at the expiration of three days, the books aforesaid shall not have the number of shares aforesaid therein subscribed, the said commissioners may adjourn from time to time, and transfer the book or books elsewhere, until the whole number of thirty thousand shares shall be subscribed, of which adjournment and transfer the commissioners aforesaid shall give such public notice as the occasion may require; and when the whole number of shares shall be subscribed, then the books shall be closed: *Provided*, Form of subscription. Give notice and open books to receive subscriptions. Proviso.

That no subscription shall be valid, unless the person so subscribing shall pay the said commissioners at the time of making the same, the sum of five dollars on each and every share, for the use of the company.

**Letters patent.** **SECTION 2.** That when five thousand shares or more of the said stock shall be subscribed, and the sum of five dollars paid on each and every share as aforesaid, the commissioners or a majority of them, shall certify to the governor under oath or affirmation, the names of the subscribers, and the number of shares subscribed by each, and the sum of five dollars on each share, paid at the time of subscribing; whereupon the governor shall, by letters patent, under his hand and the seal of the commonwealth, create and erect the subscribers, and if the subscription be not full at the time, then also those who shall thereafter subscribe to the number of shares aforesaid, into a body politic and corporate in deed and in law, by the name, style and title of "The Delaware, Lehigh, Schuylkill and Susquehanna railroad company," and by the same name the subscribers shall have perpetual succession, with all the privileges, franchises and immunities incident to a corporation, and be able to sue and be sued, plead and be impleaded, in all courts of record and elsewhere, and to purchase, receive, have, hold and enjoy to them and their successors, lands, tenements and hereditaments, goods, chattels and all estate, real, personal or mixed of what kind or quality soever, and the same from time to time to sell, exchange, mortgage, grant, alien or otherwise dispose of, and to make dividends of such portions of the profits as they may deem proper; and also to make and have a common seal, and the same to alter and renew at pleasure; and also to ordain, establish and put in execution such by-laws, ordinances and regulations as shall appear necessary and convenient for the government of said corporation, not being contrary to the constitution and laws of the United States, or of this commonwealth, and generally to do all and singular the matters and things which to them it shall lawfully appertain to do, for the well being of the said corporation, and the due management and ordering the affairs of the same: *Provided*, That nothing herein contained shall be considered as in any way giving to the said corporation any banking privileges whatsoever, or any other liberties, privileges or franchises but such as may be necessary or incident to the making and maintaining of the said railroad, and the conveyance of passengers, and the transportation of the mail, and of goods, merchandize and commodities thereon, and storage thereof.

**Name.**

**Privileges.**

**Proviso.**

**Organization.** **SECTION 3.** That the said named persons or a majority of them shall, as soon as conveniently may be after the said letters patent shall be obtained, give at least twenty days' previous notice in the newspapers hereinbefore mentioned, of the time and place by them appointed for the subscribers to meet in order to organize the said company, to choose by a majority of the votes of the said subscribers by ballot, to be given in person or by proxy, which proxy shall have been obtained and bear date within three months previously to the election, at which such proxy shall be presented duly authorized, one president and six managers, a treasurer, secretary and such other officers as shall be deemed necessary; that the president and managers aforesaid, shall conduct the business of said company until the second Monday in January then next, and until like officers shall be chosen, and may make such by-laws, rules, orders and regulations as are not inconsistent with the constitution and laws of the United States, or of this state, and that may be necessary for the well governing the affairs of said company: *Provided*, That no person but a stockholder shall be eligible to the office of president or manager.

**Proviso.**

SECTION 4. That the stockholders shall meet on the second Monday of January, in every year, at such places as may be fixed upon by the by-laws, of which notice shall be given at least twenty days previous by the secretary in the newspapers before mentioned, and choose by a majority of the votes present, officers for the ensuing year, as mentioned in the third section of this act, who shall continue in office for one year, and until others are chosen, and at such other time as they may be summoned by the managers, in such manner and form as shall be prescribed by the by-laws, at which annual or special meeting they shall have full power and authority to make, alter or repeal by a majority of the votes in the manner aforesaid, all such by laws, rules, orders and regulations as aforesaid, and to do and perform every other corporate act; and the number of votes to which each stockholder shall be entitled, shall be according to the number of shares he or she shall hold in the proportions following : For every share not exceeding two shares, one vote ; for every two shares above two, and not exceeding ten shares, one vote ; and for every four shares above ten, one vote ; but no share shall confer a right of suffrage, which shall not have been holden three calendar months prior to the day of the election, nor unless it be holden by the person in whose name it appears absolutely and bona fide, in his own right or in that of his wife, or for his or her sole use and benefit, or as executor or administrator, trustee or guardian, or in the right and for the use and benefit of some co-partnership, corporation or society, of which he or she may be a member, and not in trust for, and to the use and benefit of any other person : *Provided*, That no shares held by transfer, shall be entitled to vote, unless the same shall have been transferred at least three months before the election ; and all votes by proxy, shall be on such terms and conditions as are prescribed by the act passed on the twenty-eighth day of March, one thousand eight hundred and twenty, entitled "An Act to regulate proxies :"*And provided also*, That no share shall be entitled to a vote at any election, or at any general or special meeting of said company, on which any instalment or arrearages may have been due and payable more than thirty days previously to said election or meeting.

Powers.

Votes.

Proviso.

Proviso.

SECTION 5. That the election of officers provided for in the third section of this act, shall be conducted in the following manner, that is to say : The managers for the time being, shall appoint three of the stockholders not being managers, to be judges of the said election and to conduct the same, after having severally taken and subscribed an oath or affirmation before an alderman or justice of the peace, well and truly and according to law, to conduct such election to the best of their knowledge and abilities ; and the said judges, or a majority of them, shall decide upon the qualifications of voters, and when the election is closed, shall count the votes and declare who has been elected ; and if it shall at any time happen, that an election of president, managers, treasurer, secretary, or other officers shall not be made, the corporation shall not for that cause be dissolved, but it shall be lawful to hold and make such election of president, managers, secretary, treasurer, or other officers, on any day thereafter, by giving at least ten days' notice, signed by the president or secretary, in the newspapers before mentioned, of the time and place of holding such election ; and the president, managers, treasurer, secretary and other officers of the preceding year, shall in that case continue to act and be invested with all the powers belonging to their respective stations, until an election shall take place. In the case of death or resignation of the president, managers, treasurer, or secretary, his place may be filled by the board of managers until the next annual meeting.

Election, how conducted.

Vacancies, how supplied.

**Duties of board.** SECTION 6. That the said president and managers shall meet at such times and places as shall be found most convenient for the transacting of their business, and when met, four shall be a quorum, who in the absence of the president, may choose a chairman, and shall keep minutes of their transactions fairly entered in a book; and a quorum being formed, they shall be empowered and have authority to appoint all such surveyors, engineers, superintendents and other artists and officers, as they shall deem necessary to carry on the intended work, and to fix their salaries and wages; to ascertain the times, manner and proportions in which the said stockholders shall pay the moneys due on their respective shares; to draw orders on the treasurer for moneys, which shall be signed by the president, or in his absence, by a majority of the managers present, and countersigned by the secretary; and generally to do all such other acts, matters and things as by this act and by the by-laws and regulations of the company, they are hereby authorized to do.

**Certificates of stock.**

**Transferable.**

SECTION 7. That the said president and managers first chosen, shall procure certificates or evidences of stock, for all the shares of the said company, and shall deliver one or more certificates, signed by the president and countersigned by the treasurer, and sealed with the common seal of the said corporation, to each person for the number of shares by him or her subscribed or held; which certificates, or evidence of stock, shall be transferable at his or her pleasure, in person or by attorney duly authorized, in the presence of the president or treasurer, one of whom shall keep a book for that purpose, subject, however, to all payments due or to become due thereon; and the assignee holding any certificate, having first caused the assignment to be entered in a book of the company, to be kept for the transfer of stock, shall be a member of the said corporation, and for every certificate assigned to him as aforesaid, shall be entitled to the number of shares therein mentioned, of the capital stock of all the estates and emoluments of the company incident to said shares, and to vote as aforesaid at the meetings thereof, and subject to all penalties and forfeitures, and to be sued for all the balance and penalty due or to become due on each share, as the original subscriber would have been.

**Payment of instalments.**

**Penalty on negligent stockholders**

**Proviso.**

SECTION 8. That if after thirty days' notice in the public papers aforesaid, of the time and place appointed for the payment of any proportion or instalment of the said capital stock in order to carry on the work, any stockholder shall neglect to pay such proportion or instalment at the place appointed, for the space of thirty days after the time so appointed, every such stockholder or his assignee, shall in addition to the instalment so called for, pay at the rate of one per centum per month, for the delay of such payment; and if the same and additional penalty shall remain unpaid for such a space of time as that the accumulated penalty shall become equal to the sums before paid in part and on account of such shares, the same shall be forfeited to the said company, and may be sold to any person or persons willing to purchase, for such price as can be obtained for the same, or in default of payment by any stockholder of any such instalment as aforesaid, the president and managers may at their election, cause suit to be brought before an alderman or justice of the peace, or in any court having competent jurisdiction, for the recovery of the same, together with the penalty aforesaid: *Provided*, That no stockholder, whether original subscriber or assignee, shall be entitled to vote at any election, or any general or special meetings of the said company, on whose share or shares any instalment or arrearages may be due and unpaid more than thirty days previously to the said election or meeting.



SECTION 9. That the president and managers of the said company shall demand and require of and from the treasurer, and may demand security, and require of and from all and every other, the officers and other persons by them employed, bond in sufficient penalties and such securities as the said company shall by their rules, orders and regulations require, for a faithful discharge of the several duties and trusts to them respectively committed.

SECTION 10. That dividends of so much of the profits of the company as shall appear advisable to the managers, shall be declared at least twice a year in every year, and paid to the stockholders on demand, at any time after the expiration of ten days therefrom, but they shall in no case exceed the amount of the net profits actually acquired by the company, so that the capital stock shall never be impaired thereby; if the said managers shall make any dividend which shall impair the capital stock of said company, the managers consenting thereto, shall be liable in their individual capacities to the said company, for the amount of the stock so divided; and each manager present when such dividend shall be declared, shall be adjudged to be consenting thereto, unless he forthwith enter his protest on the minutes of the board, and give public notice to the stockholders of the declaring such dividend: *Provided*, When such dividend shall exceed eight per cent. per annum, then one-half of such excess shall be paid into the state treasury, and placed to the credit of the education fund. Dividends.  
Provido.

SECTION 11. That the president and managers of the said railroad company shall have power to survey, lay down, ascertain, mark and fix such route as they shall deem expedient for a railroad, with as many sets of tracks as they may deem necessary, beginning at the Delaware river, at or near the borough of Easton, and thence extending by the best route from said borough of Easton, up the valley of the Lehigh, or near said river, to or near the borough of Allentown; thence up the valley of said Lehigh, or near said river, to some point in the county of Carbon, above the Lehigh water gap; thence by the best route to some point on the railroad of the Little Schuylkill navigation, railroad and coal company, or to Tamaqua, in the county of Schuylkill, whichever may be deemed most expedient; and also to extend a branch railroad from the aforesaid point, where the main line hereby authorized shall diverge from the Lehigh towards Tamaqua, up the valley of said river, to the place where the railroad of the Beaver Meadow company terminates on said river, with power to connect with said last mentioned railroad: *Provided*, That the said railroad shall not, except in deep cuts and fillings, or at points selected for depots or engine and water stations, exceed four rods in width, and that it shall not pass through any burying ground or place of public worship, or any dwelling house, without the consent of the owner or owners thereof: *And provided further*, That no connection with any branch road shall be made until the main line is completed and ready for use: *And provided also*, That no part of the said railroad shall approach within ten feet of the works of the Lehigh coal and navigation company, along the valley of the Lehigh, except in crossing the canal of said company with bridgeways, which in all cases shall be constructed of a height at least equal to that of the bridges constructed by the said company; that the work upon that part of the said railroad along the valley of the river Lehigh, shall not be commenced until the ground shall have been examined by two competent engineers, who shall be named by the canal commissioners, and the said engineers shall have given their opinion, in writing, that a railroad constructed upon the said route will not injure the canal of the said Lehigh coal and navigation company, or the works necessarily ap- Power to locate route.  
Provido.  
Provido.

pertaining thereto, or obstruct the navigation on the said canal : *Provided also*, That said company shall keep in perfect order and repair such parts of all public and private roads as may be injured or obstructed in the location and construction of said railroad, by the construction of causeways and bridges, and such other devices as shall maintain said roads at all times in said condition of perfect order and repair.

Power to enter upon lands.

Proviso.

Proceedings relative to the assessment and payment of damages.

Proviso.

Proviso.

May enter upon lands for materials.

SECTION 12. That the said president and managers shall have power and authority, by themselves or their superintendents, engineers, artists and workmen, to enter in and upon and occupy all land on which the said railroad or its depots and warehouses may be located, or which may be necessary for the erection of its engine and water stations, weigh-scales, or any other purpose necessary or useful in its construction and repairs of the said railroad, and therein to dig and embank, make and construct the same : *Provided*, The said company shall first make compensation to the owner or owners of the ground and materials and property so taken and occupied as aforesaid, or give adequate security therefor; but if the parties cannot agree upon the compensation to be made to such owner or owners, it shall and may be lawful for the parties to appoint five suitable, judicious and disinterested persons, who shall be under oath or affirmation, and who shall reside within the counties of Northampton, Lehigh, Carbon and Schuylkill; and if they cannot agree upon such persons, then either of the parties, after giving twenty days' notice to the other, may apply to the court of common pleas of the county in which the land may lie, and the court shall award a venire, directed to the sheriff, to summon a jury of five judicious and disinterested persons from the said counties, in order to ascertain and report to the said court what damages, if any, have been sustained by the owner or owners of the said ground, by reason of the construction of the said railroad through the same; which said jury of valuers, being duly sworn or affirmed, and having viewed the premises, shall proceed to estimate the quantity and quality of the land occupied by the said railroad, and all other inconveniences which may be likely to result therefrom to the said land, and under the influence of these considerations, and a just regard to the advantages which may seem likely to result to the owner or owners of the said land, from the opening of the said railroad through the same, to make their assessment and report to the court; which report, being confirmed by the said court, judgment shall be entered thereon, and execution may issue, in case of non-payment, for the sum awarded; and the expenses incurred by the appraisers or jury shall be defrayed by the said railroad company : *Provided*, That either party may appeal to the court within thirty days after such a report may have been filed in the prothonotary's office of the proper county, in the same manner as appeals are allowed in other cases : *And provided also*, That if any person or persons owning land or any other property which shall be affected by this act, be feme coverts, under age, non compos mentis, or out of the state, then and in either of said cases, the president and managers of the company, and at the cost and charges of the said corporation, shall, within one year after the construction of the railroad through the said land, represent the same to the court of common pleas of the county where the lands lie, as the case may be, who shall proceed thereon in the same manner and to the same effect as directed by this act in other cases.

SECTION 13. That the president and managers, by and with their superintendents, engineers, artists, workmen and laborers, with their tools, instruments, carts, wagons and other carriages, and beasts of draught and burden, may enter upon the lands contiguous and near the said railroad, first giving notice to the owners or occupiers thereof; and

from thence to take and carry away timber, stone or gravel, sand or earth, doing as little damage thereto as possible, and repairing any breaches they may make in the enclosures thereof, and making amends Make amends for any damages that may be done thereon; the amount whereof, if the parties do not agree, shall be assessed as hereinbefore mentioned in this act.

**SECTION 14.** That the company shall not prevent any person or persons being the owner or owners of land bordering on the said railroad, or in the vicinity thereof, or adjacent thereto, from making such lateral Lateral railroads. railroads, and to connect them with the said railroad, from their said lands, as the said person or persons may wish, for the purpose of transporting their coal or produce on said railroad: *Provided*, That Proviso. all such connections of lateral roads are to be made at the expense of the persons so wishing to connect, and according to the direction and approval of the engineer of said railroad company, so as not to obstruct or endanger the free travel on the main road: *And provided also*, That Proviso. any person or persons owning such coal or produce shall have the privilege of transporting the same on said railroad in their own cars, subject to the rules and regulations of said company.

**SECTION 15.** That the said railroad shall be so constructed as not to How road to be impede or obstruct the free use or passage of any public road or roads constructed. which may cross or enter the same, or along which the same may be extended. In all cases where the said railway may cross, or in any manner interfere with any existing public road, canal or slack-water navigation, the said company shall make or cause to be made, as soon as conveniently may be, a good and sufficient causeway or causeways, to enable all persons passing or traveling such public roads, canal or slack-water navigation, to cross or pass over said railroad; and if the company shall neglect or refuse to keep such way or causeways in good repair, they shall be liable to a penalty of five dollars for every day the same shall be so neglected or refused to be repaired, after proper notice to repair shall have been given, to be recovered by the supervisors of the township, with costs, for the use of the township, as debts of like amount are by law recoverable; and shall moreover be liable to all actions at the suit of any person who may be aggrieved thereby.

**SECTION 16.** That for the accommodation of all persons owning or Company to possessing land through which the said railroad may pass, it shall be make causeways. the duty of the said company to make, or cause to be made, a good and sufficient causeway or causeways wherever the same may be necessary, to enable the occupant or occupants of said lands to cross or pass over the same with wagons, carts and implements of husbandry, as occasion may require; and the said causeway or causeways, when made, shall be maintained and kept in good repair by said company; and if the said company shall neglect or refuse, on request, to make such causeway or causeways, or when made, to keep the same in good order, the said company shall be liable to pay any person aggrieved thereby, all damages sustained by such person in consequence of such neglect or refusal, to be sued for and recovered before any magistrate or court having cognizance thereof: *Provided*, That the said company Proviso. shall in no case be required to make, or cause to be made, more than one causeway through each plantation or lot of land, for the accommodation of any one person owning or possessing land through which the said railroad may pass; and where any public road shall cross said railroad, the person owning or possessing land through which said public road shall pass, shall not be entitled to require the company to erect or keep in repair any causeway or bridge for the accommodation of the

Proviso.

occupant of said land: *Provided further*, That in the event of any private bridge or causeway being converted to public use, so as to be made to accommodate a public road laid out subsequent to the passage of this act, then and in such case the company shall be forever thereafter exonerated from the duty of keeping the said bridge or causeway in repair.

When suit shall be brought.

SECTION 17. That no suit or action shall be prosecuted by any person or persons, for any penalties incurred under this act, unless such suit or action shall be commenced within two years next after the offence committed, or the cause of action accrued; and the defendants in any such suit or action, may plead the general issue, and give this act and the special matter in evidence, and that the same was done in pursuance and by authority of this act.

Service of process.

SECTION 18. That in all suits or actions brought against the said company, the service of process on any manager, toll-gatherer or other officer of the company, shall be as good and available in law, as if made on the president thereof.

Penalty for injuring the company's works.

SECTION 19. That if any person or persons shall wilfully or knowingly break, injure or destroy the railroad hereby authorized, or any part thereof, or any work, edifice or device, or any part thereof, to be erected by the said company in pursuance of this act, he, she or they shall forfeit and pay to the said company, three times the actual damages so sustained, to be sued for and recovered with full costs, before any tribunal having cognizance thereof, by action in the name and for the use of the said company.

Penalty for injuring constructions.

SECTION 20. That if any person or persons shall wilfully or maliciously remove or destroy any of the company's constructions, or place designedly, and with evil intent, any obstruction on the line of the railroad, so as to jeopard the safety and endanger the lives of persons traveling the same, such person or persons so offending, shall be deemed guilty of misdemeanor, and shall be adjudged, on conviction, to be imprisoned in the Eastern penitentiary of Pennsylvania, for a term not more than two years: *Provided*, That nothing herein contained, shall prevent the company from pursuing any other appropriate remedy at law, in such cases.

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Establish rules for the regulation of the travel upon the road.

SECTION 21. That it shall and may be lawful for the president and managers, from time to time, to ordain and establish rules and regulations for the due ordering of all traveling and transportation on the said road, and for its preservation, with power to alter, repeal, enlarge or amend the said rules and regulations as they may deem expedient; and that they shall have full power and authority to prescribe the kinds and descriptions of cars, carriages or wagons, to be used on the said road, for the conveyance of passengers and the transportation of the mail, or of goods, wares, merchandize and minerals, and to regulate the speed at which they shall travel, and to adopt and enforce such rules and regulations in relation to the transit thereof, as they may deem expedient; and the said company are hereby authorized and empowered, that as soon as any portion of the said railroad is perfected, to place thereon cars, carriages or wagons, constructed as they may deem best adapted for the transportation of mails, passengers and commodities to the advantage of the public, and shall permit individuals to place such cars, carriages or wagons thereon, of such construction, and under such limitations and restrictions as they may deem proper; and the said company is hereby authorized to charge and take toll for freight and transportation of passengers, goods, wares, merchandize and minerals, at rates as follows, to wit:—On goods, wares, merchandize, property or minerals transported on said railroad, or any finished part thereof,

Tolls.

any sum not exceeding one and a-half cents per ton per mile for toll, and one and a-half cents per ton per mile for transportation, and for toll and for transportation of passengers, not exceeding three and one-half cents per mile for each passenger.

SECTION 22. That in declaring the semi-annual dividends, as provided for in the tenth section of this act, of the net profits arising from the resources of said company, after deducting the current contingent expenses, it shall be found that said net profits exceed ten per cent. per annum on the capital expended, then the toll shall be so reduced as to keep the per centage below that amount. When tolls shall be reduced.

SECTION 23. That at each annual meeting of the stockholders, the president and managers of the preceding year shall exhibit to them a complete statement of the affairs and proceeding of the company for such year; and that special meetings of the stockholders may be called by order of the president and managers, or by the president, at the request of the stockholders holding one-fourth of the amount of the capital stock, giving like notice as that required for annual meetings, specifying moreover the object of the meeting; but no business shall be transacted at such meetings, except that for which it shall have been called, nor unless a majority, in value, of the stockholders shall attend in person or by proxy. Annual exhibit of the affairs of the company.

SECTION 24. That if the president, five managers and company, shall not proceed to carry on the said work within three years from the passage of this act, and shall not complete the same within seven years thereafter, according to the true intent and meaning of this act, or if after the completion of the said road, the said company shall suffer the same to go to decay, and be impassable for the term of two years, then this charter, so far as regards any part or portion of said railroad not completed, or suffered to go to decay as aforesaid, shall become null and void, except so far as the same compels the said company to make reparation for damages. When road to be commenced and completed.

SECTION 25. That if any increase of the capital stock shall be deemed necessary by the stockholders, to improve or complete the said road, it may be lawful for the said president, managers and company, at a stated or special meeting convened for the purpose, to increase the number of shares, so that the capital of the said company shall not exceed three million dollars, and to receive and demand the moneys for shares so subscribed, in like manner, and under like penalties as are hereinbefore provided for the original subscription, or as shall be provided for by their by-laws. Increase capital.

SECTION 26. That at the end of the third year after the charter shall be obtained, and at the end of every year thereafter, there shall be furnished to the legislature an abstract of the account of the company, showing the amount of capital paid in, and the debts of the said company, the amounts received for toll and transportation and rates charged, and the amounts or dividends declared, which abstract shall be verified by the oath or affirmation of the president or treasurer of said company. Abstract to be furnished legislature annually after third year.

SECTION 27. That if the said company shall misuse or abuse any of the privileges hereby granted, the legislature may resume all and singular the rights and privileges hereby granted to the said corporation. Reservation.

FINDLEY PATTERSON,

*Speaker of the House of Representatives.*

DANIEL L. SHERWOOD,

*Speaker of the Senate.*

APPROVED—The twenty-first day of April, one thousand eight hundred and forty-six.

FRS. R. SHUNK.



by letters patent, under his hand and the seal of this commonwealth, create and erect the subscribers, and if the subscription be not full at the time, then those also who shall thereafter subscribe to the capital stock of said company, into a body politic and corporate, by the name, style and title of the Carlisle Deposit Bank; and by the same name the subscribers shall have perpetual succession, and the privileges, franchises and immunities incident to a corporation; may sue and be sued, plead and be impleaded in all courts of record and elsewhere; may purchase, receive, have, hold and enjoy, to them and their successors and assigns, lands, tenements and hereditaments, goods, chattels and all estates, real, personal and mixed, of what kind or quality soever, subject however to the limitations and restrictions hereafter mentioned, and the same from time to time to sell, grant, mortgage, alien or dispose of; to make and have a common seal, and the same to alter and renew at pleasure, and generally to do all and singular the matters and things which to them it shall lawfully appertain to do, for the well being of said corporation, and the due management and ordering of the business thereof: *Provided*, That nothing herein contained shall be construed as giving to the said corporation any banking privileges, but such as may be hereafter specifically set forth.

Letters patent.

Style.

Privileges.

Proviso.

SECTION 4. That the first named five commissioners in this act, or any three of them, shall, within twenty days after the issuing of the letters patent, give ten days' notice in two or more newspapers published in the borough of Carlisle, of the time and place by them appointed for the stockholders to meet, in order to organize said corporation, and to elect, by ballot, nine directors to manage the business of said corporation, until the next election of directors as hereinafter provided, of which election the said commissioners shall act as judges; and the directors first chosen as aforesaid, shall procure certificates for the shares of stock of such company, and shall deliver one certificate, signed by the president to be chosen as hereinafter directed, and countersigned by the cashier, and sealed with the common seal of the said corporation, to each person for the share or shares, as the stockholder may choose, by him, her or them subscribed or held, subject however to all the payments due or to grow due thereon.

Organization.

SECTION 5. The affairs of the said deposit bank shall be conducted by nine directors, to be chosen by ballot, by the stockholders, on the third Monday of November in every year, at such place within the borough of Carlisle aforesaid, as the directors for the time being shall appoint, of which ten days' notice shall be given in two or more of the newspapers published in said borough. The directors elected agreeably to the provisions of this act, shall assemble on the Monday succeeding their election, and choose one of their number to be president of the bank; they shall continue in office one year, and until others be chosen and organized agreeably to the provisions of this act; and in case of the death, resignation or inability of the president or any director to act, the board of directors shall choose another to supply his place during such absence or disability. If it shall happen that an election of directors be not made on the day above prescribed, the corporation shall not for that cause be dissolved, but it shall be lawful on any other day to hold and make an election, on giving ten days' notice thereof as before stated.

Affairs to be conducted by a board of directors.

Duties of board.

SECTION 6. The directors of said bank shall, previous to the annual election of directors, appoint three stockholders, not being directors, to be judges of the election, who shall conduct and regulate the same, after having severally taken and subscribed an oath or affirmation, before some justice of the peace, well and faithfully to conduct the election.

Provisions for conducting elections.



Votes.	<p>They shall determine whether the persons voted for, and duly qualified to be elected directors, and do come truly under the provisions of this act, and after the conclusion of the ballot, shall decide and declare who are elected directors for the ensuing year. The number of votes to which each stockholder shall be entitled shall be according to the number of shares he shall hold, in the proportion following, viz : For each share not exceeding ten shares, one vote ; for every two shares above ten, and not exceeding thirty shares, one vote ; and for every four shares above thirty shares, one vote ; nor excepting at the first election shall any share confer a right to vote at any election, or at any meeting of the stockholders, unless the same shall have been held three calendar months before the day of such election or meeting ; nor shall any person be eligible as a director in the said company, who is or shall be at the same time a director in any other bank or saving fund institution.</p>
Quorum.	<p>SECTION 7. Not less than five directors shall constitute a board for the transaction of business, of whom the president shall always be one, except in case of sickness, or necessary absence, in which case his place may be supplied by any other director whom he may, by writing under his hand, depute for that purpose ; and in case the president shall not so depute, the board of directors shall appoint a director to act during the absence of the president.</p>
Capital stock, how to be paid.	<p>SECTION 8. The one-half of the capital stock shall be paid in at the call of the directors, within six months after said bank shall go into operation, and from time to time, after six months, such further amount as the directors may call for, not exceeding the whole capital : the stock of said bank shall be assignable and transferable on the books of the company, only in the presence of the president or cashier, and in such manner as the by-laws shall ordain.</p>
Transferable.	<p>SECTION 9. If after thirty days' notice in at least two newspapers, published in the borough of Carlisle, of the time and place appointed for the payment of any proportion or instalment of the capital stock, any stockholder shall neglect to pay such proportion or instalment, at the time and place appointed, for the space of thirty days after the time appointed, every such stockholder or his assignee, shall, in addition to the instalment so called for, pay at the rate of one per centum per month for the delay of such payment ; and if the same and such additional penalty shall remain unpaid for such space of time, as that the accumulated penalty shall become equal to the sums before paid in part and on account of such shares, the same shall be forfeited to the said bank, and may be sold to any person or persons willing to purchase, for such price as can be obtained for the same, for the benefit of the said bank ; or in default of payment by any stockholder of any such instalment as aforesaid, the president and directors may, at their election, cause suit to be brought in the name of the said bank, before a justice of the peace, or in any court having competent jurisdiction, for the recovery of the same, together with the penalty aforesaid, against the original subscribers to the stock, or their assignees ; which assignees shall be held liable as original subscribers : <i>Provided</i>, That no stockholder, whether an original subscriber or an assignee, shall be entitled to vote at any election, or at any general or special meeting of the stockholders of the said corporation, on whose share or shares any instalment or arrearages may be due and payable, more than thirty days previously to the said election or meeting.</p>
Proviso.	<p>SECTION 10. The object of this corporation shall be to receive, from time to time, and at all times, from all persons disposed to entrust them therewith, such funds as may be deposited with them, on such terms and under such regulations as the directors, by their by-laws, may pre-</p>
Object.	



scribe; which regulations shall be put up in some conspicuous part of the office or room in which the business of the institution may be transacted; and the said corporation shall be authorized to invest its funds in public stocks of this state, or of the United States, or in real securities, or in the discount of notes and bills on personal securities: *Provided*, That the rate of discount at which loans may be made by the said institution, shall not exceed one-half per centum for thirty days.

SECTION 11. The directors for the time being, or a majority of them, shall have power to appoint a cashier, and such other officers as they shall deem necessary to conduct or execute the business or affairs of the institution, and, in their discretion, to dismiss them, or any of them; and they shall establish the compensation to be paid to the president, cashier, other officers and persons of such company respectively, which, together with all other expenses, shall be paid out of the corporate funds. They shall provide for the taking bonds to the corporation, from the said cashier, or all or any of the said officers, with security, conditioned in such sums as they shall prescribe, for the faithful execution of their several duties, and secure the corporation from loss; and generally to pass all such by-laws as they shall judge necessary for the exercise of the powers vested in said corporation by this charter, and the same by-laws from time to time to alter and repeal: *Provided*, That such by-laws shall not be contrary to the laws of this state or of the United States.

SECTION 12. It shall be the duty of the directors, on the first Tuesday of May and November next, and on the first Tuesday of May and November in each and every year thereafter, to make and declare a dividend of the interests and profits of said corporation, after paying its expenses, and the same to pay over to the stockholders, or their legal representatives, within ten days thereafter, on demand being made for the same; and it shall also be the duty of the said institution to lay before the auditor general statements of the affairs of the said corporation, at such time or times as the said officer shall direct, under the oath or affirmation of the cashier.

SECTION 13. A general meeting of the stockholders, for purposes relating to the institution, may at any time be called, either by the board of directors, or by the stockholders owning one-fifth of the capital stock, on giving at least ten days' notice as aforesaid, particularly specifying in such notice the object or objects of such meeting; and it shall be the duty of the directors and other officers of the bank, upon demand being made by the stockholders so convened, to lay before them a general and particular statement of the affairs of the said bank.

SECTION 14. The stockholders of the said bank shall be individually liable for the debts and engagements thereof, except deposits made in other funds than specie, and debts due to other banks, in such sums as may be equal to the par value of the stock owned and held by them respectively therein: *Provided*, That the debts due and to become due to the said bank, except debts due from the state of Pennsylvania, and balances due from other banks, shall never amount to more than three times its capital stock paid in.

SECTION 15. It shall be the duty of the president and cashier of said bank to prepare, or cause to be prepared, a register of the stockholders thereof, setting forth the amount of stock at its par value, held by each of them respectively, which register shall be made and dated as of the first Monday of every month, and shall be attested by the signatures of the president and cashier; and on such first Monday of every month, such register shall be set up and exposed to public view, in some conspicuous and open part of the banking room, and shall so remain for

Power to appoint officers.

Officers to give security.

Proviso.

Dividends.

General meetings may be called.

Individual liability.

To prepare a register of stockholders monthly.

- Proviso. six months thereafter, during the usual hours of banking business ; and the persons named and described in such register, shall, for the purposes of this act, be deemed to be the holders of the stock set opposite their names, until the succeeding register of stockholders shall be prepared and exhibited in like manner, saving to them always the right to show in any action against any one of the stockholders, that such register was incorrectly made : *Provided however*, That no suit shall thereby abate as against other defendants.
- Suits, how to be brought and conducted. SECTION 16. It shall be lawful for any creditor or person having claim upon contract, express or implied, against such bank, to join in his suit or action, whether at law or in equity, as co-defendants with the bank, all such persons as were stockholders as by the last exhibited register, in accordance with the provisions of section fifteenth of this act, in the same manner as if such stockholders had been personally parties to such contract, and in such suit or action, to recover judgment as well against such stockholder as the bank : *Provided however*, That in actions and proceedings founded on notes or bills transferable by delivery, or amounts due for moneys deposited, the day on which payment of such notes or bills, or moneys deposited, may have been demanded of the bank, and payment refused, shall be taken to be the time of the contract ; and under the judgment so rendered, execution shall be levied upon the estate and effects of the bank, and if sufficient assets of such bank cannot be found to satisfy such judgment and the costs, then the residue may be levied upon the estate and effects of the stockholders : *Provided however*, That any such suit or action shall be brought within six months after the time of contract express or implied : *And provided further*, That in all cases within the jurisdiction of aldermen or justices of the peace, there shall be the same right to sue in the same manner as is provided in this act for suits in court, and subject to the same regulations in the proceedings as is herein provided, so far as the same are applicable to the jurisdiction and proceedings of aldermen and justices of the peace.
- Proviso.
- Proviso.
- Stockholders may make defence. SECTION 17. In any suit or action to be brought by force of this act, it shall be lawful for any stockholder to make defence ; and if it shall appear to the court that he hath been legally compelled to pay or contribute moneys on account of such bank, by reason of his liabilities under this act, in such case he shall be allowed to defalk, or set off the amount of such payment, and the judgment shall be rendered accordingly ; and in case after judgment rendered against him, any stockholder shall be legally compelled to pay or contribute moneys on account of the bank, by reason of his liabilities under this act, he shall be entitled to such relief against executions levied thereafter, as to the court on application, shall seem just and reasonable.
- Rights of stockholders secured. SECTION 18. Any stockholder who by force of this act, hath been compelled to pay moneys on account of the bank, shall be entitled to claim contribution from all others jointly liable with him, and for that purpose he may, at the discretion of the court, have execution against his co-defendants upon the original judgment, or such of them as may be liable to contribute for such sum as they may respectively be liable for to him.
- Stockholders may pay their share before suit brought, and receive a certificate therefor. SECTION 19. It shall in all cases be lawful for a stockholder who is made a defendant under any of the provisions of this act, to pay into court or to the assignees or trustees who may be appointed, a sum equal to the amount of his liabilities under the fifteenth section, for which payment he shall be entitled to have a certificate, and thereupon he shall be discharged from all such liabilities.

**SECTION 20.** It shall be the duty of the sheriff or other officer to whom original process under this act shall be directed, to serve the same by delivering a copy thereof to the president or cashier of the bank, if either of them can be found, and by causing thereafter a copy thereof to be published for at least one calendar month before the return day thereof, in at least two newspapers published nearest the banking house, and he shall specially return the time and manner of such service, which shall be deemed to be full service of the process on the defendants named therein.

**SECTION 21.** Writs of original process under this act may be made, returnable on any day in term or vacation, and it shall be lawful for the plaintiff to sign judgment on or after the tenth day following the return, notwithstanding an appearance, unless the defendant or some of them shall previously have filed a sufficient and legal affidavit of defence, stating therein the nature and character of the same: *Provided however,* That no such judgment shall be entered unless at the time of suing out such process, the plaintiff shall have filed in the office of the prothonotary of the court, a copy of the bill, note, instrument or writing or other written evidence of his claim if any such there be, and if there be no such written evidence, then a full and complete account of such of his claim verified by affidavit.

**SECTION 22.** If upon the sheriff's return to any writ of execution issued under this act, it shall appear that any stockholder named in the register heretofore prescribed, hath not estate and effects sufficient to satisfy his liabilities under such execution, it shall be lawful for any creditor to proceed by bill of discovery or otherwise, to determine whether other persons than such registered stockholders were interested as owners in the stock standing in his name, and thereupon to have relief and remedy against all persons so interested in such stock, as if they had been named in the register aforesaid.

**SECTION 23.** If the president or cashier shall omit or neglect to cause the register hereinbefore provided for, to be made and exposed to public view, according to the fifteenth section of this act, each of them shall incur a penalty of fifty dollars for every day such omission or neglect, to be recovered by action of debt as sums under one hundred dollars are by law recoverable, one-half to the use of the informer and one-half to the use of the poor.

**SECTION 24.** If any president, cashier or any other officer or clerk of the said bank, shall fraudulently embezzle or appropriate to his own use, or to the use of any other person or persons, any money or other property belonging to the said institution, or left with the same as a special deposit or otherwise, he shall upon conviction of such offence, be fined in a sum not less than the amount so appropriated and embezzled, and sentenced to undergo imprisonment in one of the state penitentiaries, as the case may be, to be kept in separate and solitary confinement at labor, for any term not exceeding two years, at the discretion of the court: *Provided,* That this shall not prevent any person or persons aggrieved from pursuing his, her, or their civil remedy against such person or persons.

**SECTION 25.** Whenever on the petition of any creditor, or on information by the attorney general, it shall be made to appear to the court of common pleas for the county of Cumberland, that judgments have been recovered against said bank within this commonwealth, and that there have not been found estate and effects of the bank sufficient to satisfy such judgments, or whenever on the petition of any stockholder or stockholders owning together at least one fourth of the stock, it shall be made to appear to the said court that the bank is in failing circum-

stances, or that the president and directors thereof are wasting and mismanaging the affairs and estate thereof, in any such case the said court shall forthwith enjoin the president and directors from further intermeddling with the estate and affairs thereof, and as soon thereafter as may be directed by the court, a general meeting of the stockholders shall be called by the prothonotary; and at such meeting of the stockholders, trustees may be chosen by the stockholders to close the concerns of the said bank, according to the provisions of the acts of assembly in that behalf made and provided, or a new election for directors may be ordered to be held at such time as the said court may direct.

Act relative to assignees and trustees extended to the bank.

SECTION 26. The several provisions of the act of the fourteenth of June, one thousand eight hundred and thirty-six, entitled "An Act relating to assignees for the benefit of creditors and other trustees," and supplements thereto, shall be held to apply to all assignments made by the said bank, whether under the provisions of the said second section of the act of twelfth of March, one thousand eight hundred and forty-two, or otherwise, and the court shall exercise all the powers therein given in addition to the authority conferred by this act, to compel settlements of the accounts of assignees, and to do every act necessary and proper to accomplish the purposes of the trust, and to compel distribution of the moneys and assets in the hands or power of the said assignees, amongst the creditors entitled according to the just proportion due to each.

Duty of assignees.

SECTION 27. The said assignees shall pay out of the assets and property of the said bank, in case of any assignment, the debts and liabilities of the same, in the following order: first, depositors; second, all other creditors, except stockholders, who shall be paid last.

Real estate purchased by banks, to be subject to redemption.

SECTION 28. The real estate which the said bank may at any time acquire, by purchase or otherwise, except the property and banking house of which it may become possessed and hold for the purpose of transacting its business therein, shall, until disposed of by said bank by a bona fide sale, be subject any time to redemption by the party from whom it last passed to said bank, upon payment of the sum of money for which it may have been purchased or otherwise obtained, with legal interest thereon in full.

Dividends to be declared only on the profits.

SECTION 29. It shall not be lawful for said bank to make or declare any dividend to the stockholders thereof, except from profits actually acquired above the par value of the stock; and no such dividend shall be made at any time that will in anywise impair or diminish the capital stock of said bank.

Duplicate of register to be filed in prothonotary's office.

SECTION 30. It shall be the duty of the president and cashier of said bank, to file or cause to be filed in the office of the prothonotary of the court of common pleas of Cumberland county, a duplicate of each monthly register made out in pursuance of the provisions of the fifteenth section of this act, on or before the second Monday in each month; and the said duplicate or copies thereof, certified by the said prothonotary under his hand and seal of office, shall be competent evidence in any court of law or equity, to prove the contents of the register so made out as aforesaid, of which it is a duplicate.

A general statement to be made within thirty days before the expiration of this charter.

SECTION 31. It shall be the duty of the president and cashier for the time being, within thirty days before the expiration of the present charter, to prepare a just and full exhibit of the affairs and condition of the bank, setting forth on the one side particularly and under such separate heads and sub-divisions, as may be proper for presenting clearly a view of the various sorts and classes of assets to it belonging, the amount of coined money and bullion, current notes and bills of other banks within the state and elsewhere, promissory notes, bills of exchange,

bonds and other debts of individuals and corporations due or to become due, balances due from other banks, solvent or otherwise, public and corporate stocks, real estate, claims against individuals or corporations disputed and in controversy, and any other property of said bank as the same stand charged and recorded on the books thereof; and setting forth moreover, in regard to each title and sub-division of such assets, what is in the judgment of such president and cashier, the actual marketable cash value of the items included within the same; which said exhibit shall also set forth on the other side the debts and liabilities of said bank, particularly specifying under distinct heads, the amount due to depositors, to note holders, to other banks, corporations generally, to individuals, and the amount of claims made against said bank and remaining in controversy.

SECTION 32. The said exhibit shall be verified and accompanied by the oath or affirmation of said president and cashier, duly attested by a magistrate or justice of the peace, to the following effect, viz: That they the said president and cashier, have carefully examined the books and muniments of the bank, and have compared the same with the said exhibit, and have inspected the several items of assets or the evidences thereof, in the said exhibit referred to, and have according to the best of their judgment and ability, valued each of said items of assets at the absolute cash price which it would produce in open market at the time, and that they verily believe that the said exhibit presents a true, fair and just summary of the actual condition of the bank, as required by the preceding section, and that in their judgment the actual bona fide cash capital of said bank is fully worth the amount appearing in said exhibit.

SECTION 33. This charter shall continue in force and effect until the first Wednesday of May, eighteen hundred and fifty-six, and no longer, and the legislature hereby reserves the right to alter, revoke, or annul the charter of the said bank, whenever in their opinion it may be injurious to the citizens of the commonwealth; in such manner, however, that no injustice shall be done to the corporators thereof.

SECTION 34. Nothing contained in this act shall be so construed as to give or extend to the said corporation the power or privilege of issuing their own notes in the form or manner of bank notes.

FINDLEY PATTERSON,  
*Speaker of the House of Representatives.*

DANIEL L. SHERWOOD,  
*Speaker of the Senate.*

APPROVED—The thirteenth day of April, one thousand eight hundred and forty-six.

FRS. R. SHUNK.



taking and holding, to them and their successors and assigns, and of selling, transferring and conveying in fee simple, or for any less estate, all such lands, tenements, hereditaments and estates, real and personal, as shall be necessary to them in the prosecution of their work, and of suing and being sued, and of doing all and every other matter and thing which a corporation or body politic may lawfully do.

SECTION 3. The stockholders or any two of them named in the letters patent, shall as soon as conveniently may be after issuing the same, give notice in one or more of the newspapers published in the counties of Clinton and Union, of a time and place to be by them appointed, not less than twenty days from the time of the first notice, at which time and place the said subscribers, or as many of them as may be then present, shall then proceed to organize the said company, and shall choose by a majority of the said subscribers by ballot in person, one president, six managers, one treasurer, and such other officers as may be necessary to conduct the business of the said company for one year, and from thence until the next annual election, and until such other officers shall be chosen and organized agreeably to the provisions of this act; and in case of the death, removal or resignation of any president or manager, the board of managers may choose another to supply the vacancy until the next annual election of said company; they may make and have one common seal, and the same may break, alter or renew at their pleasure, and may make such by-laws, rules, orders and regulations, not inconsistent with the constitution and laws of this state, as shall be necessary for the well ordering of the affairs of the corporation: *Provided*, That each subscriber shall be entitled to one vote for every share of stock by him or her held, not exceeding five, but no share or number of shares above five, shall entitle the holder thereof to a vote at any election or meeting of said company: *And provided also*, That no person shall be entitled to hold the office of president, manager or treasurer of the said company, who is not a stockholder thereof: *And provided also*, That no stockholder, whether the original subscriber or assignee, shall be entitled to vote at any election or meeting of said company, unless the whole sum due and payable on the shares by him or her held at the time of such election or meeting, shall have been fully paid and discharged.

Organization.

Vacancies, how supplied.

By-laws.

Proviso.

Votes.

Proviso.

Proviso.

SECTION 4. If any treasurer elected by virtue of this act shall die, resign or refuse to act, or neglect to give security for the faithful discharge of the duties of his office, as the board of managers may direct and require, or having given the security required, shall neglect or refuse to take upon himself and perform all the duties of said office, it shall be the duty of the said managers for the time being, to appoint some suitable person treasurer, which person so appointed, shall hold the office to which he shall have been appointed, until the next election by the stockholders, on his giving the requisite security, and until a successor shall be duly elected and give the security required.

Relative to the appointment of treasurer.

SECTION 5. The stockholders shall meet on the first Monday in November, in each year, at such place as shall be fixed by the by-laws of said company, for the purpose of choosing in manner aforesaid, such officers for the year ensuing the term of service of those previously elected.

Annual meeting.

SECTION 6. The said president and managers shall make out certificates of stock, signed by the president, and countersigned by the treasurer, and sealed with their corporate seal, and deliver one such certificate to each subscriber for any share or number of shares by him or her held, on him or her paying to the treasurer on each share so held, the sum of five dollars, which certificate shall be transferable in person

Certificates of stock.

Transferable.



or by attorney, on the books of the said company, only subject to the sum due or to become due on the share or shares so transferred.

May enter upon  
lands to examine  
for materials.

SECTION 7. It shall and may be lawful for the said president and managers, their superintendents, surveyors, engineers, artists and chain bearers, to enter in and upon all and every the lands, tenements and enclosures, in, through and over which the said intended turnpike road may be thought proper to pass, and for that purpose to examine the ground, and quarries of stone, and gravel, and other materials that may be necessary in making and constructing the said road; and to survey, lay down, ascertain, mark and fix such route for said road, as in the best of their judgment and skill, combine shortness of distance with the most eligible ground; beginning at Logansville, Clinton county; and thence the nearest and best route to the public road leading from Lewisburg, Union county, to Williamsport, Lycoming county, at or near Colwell's mills, in Union county.

Location.

Quorum.

Duties and powers  
of board.

SECTION 8. The said president and managers, five of whom shall for all purposes be a quorum, shall keep minutes of all their proceedings fairly entered in a book to be kept for that purpose, and shall have full power and authority to appoint, agree or contract with such engineer, superintendents, artists, laborers and other persons as they may think necessary, to make and construct said road, and collect the tolls hereinafter authorized, and to fix their compensation, to ascertain the times, manner and proportions in which the stockholders shall pay the amount of their respective shares, in order to carry on their work, to draw orders on the treasurer for all debts contracted by them, which orders shall be signed by the president, or in his absence, by a quorum of the managers, and attested by their secretary; and to do and transact all other acts, matters or things, as by the by-laws, orders and regulations of the said company, shall be entrusted to them.

Penalty on neglecting  
to pay instalments.

SECTION 9. If any stockholder, whether original subscriber or assignee, after thirty days' notice in two newspapers, one printed in Clinton county, the other in Union county, of the time and place appointed for the payment of any instalment or proportion of the capital stock, shall neglect to pay such proportion at the place appointed for the space of sixty days after the time appointed for the payment thereof, every such stockholder shall, in addition to the instalment so called for, pay at the rate of two per centum per month, for every delay of such payment; and if the same and additional penalty shall become equal to the sums before paid in part on account of such share, the same may be forfeited by and to the said company, and may be sold by them for such price as may be obtained therefor; or in default of payment of any stockholders of such instalments as aforesaid, for the space of sixty days as aforesaid, the president and managers may, at their election, cause suit to be brought, in the same manner as debts of like amount are now recoverable, for the recovery of the same, together with the penalty aforesaid.

To enter upon  
lands, to construct  
work.

Damages to be  
ascertained, settled  
and paid.

SECTION 10. It may be lawful for the said president and managers, by and with their superintendents, engineers, artists, workmen and laborers, their tools and instruments, carts, wagons and other carriages and beasts of draught or burden, to enter in and upon the lands contiguous and near to which the said road shall be made or constructed, first giving notice of their intentions to the occupiers thereof, and doing as little damage thereto as possible, and making amends for damages upon a reasonable and equitable agreement by the parties, or if they cannot agree thereupon, a just and equitable assessment, to be made upon oath or affirmation by three disinterested freeholders, or any two of them, to be mutually chosen; or if either party, upon due notice,



shall neglect or refuse to join in the choice, then to be chosen by a justice of the peace for the county wherein the said land lies, who shall not be interested therein; and upon the tender of the assessed value to dig and carry away any timber, stone, sand, earth or other materials necessary or suitable for making said road.

SECTION 11. The said president and managers shall keep fair and just accounts, as well of all moneys received by them, as of those paid out and expended in the prosecution of the work, and shall, at least once in every year, submit their books and accounts to a general meeting of the stockholders; and whenever it shall be ascertained that the capital stock of the said company, is not sufficient to complete the said road, according to the true intent and meaning of this act, it shall and may be lawful for the president and managers, at a stated or special meeting, convened according to the provisions of this act, or their own by-laws, to increase the number of shares to such extent as they shall deem sufficient to accomplish the work, and to demand and receive the moneys subscribed for such additional shares, in like manner and under like penalties, as are provided by this act in the case of the original subscriptions. Accounts to be kept.  
Increase capital.

SECTION 12. The said president and managers shall have power to erect good and sufficient bridges over all the streams of water crossed by said route, wherever the same shall be found necessary; and shall cause a road to be laid out not exceeding fifty feet in width, and shall cause at least sixteen feet of said width to be made an artificial road of wood, stone, gravel or other proper and convenient materials, such as the nature of the ground may require and will afford, to be constructed in such manner as will admit an even surface, and in no place in said road, shall there be an elevation of more than five degrees from a horizontal line, and shall forever thereafter maintain and keep the same in good order and repair: *Provided*, That it shall and may be lawful for the president and managers, whenever they may deem it necessary, to cut, deaden and prostrate the timber on each or either side of the said road, within a distance not exceeding one hundred feet from the centre of the said road, they making just and equitable compensation to the owners. Power to erect bridges.  
Width of road.

SECTION 13. Whenever, and as soon as the said company shall have finished five miles or more of road, the president thereof may give notice to the governor, who shall thereupon forthwith appoint three skillful, judicious and disinterested persons to view and examine the same, report on oath or affirmation to him, whether the said road is so far executed in a competent and workmanlike manner, according to the true intent and meaning of this act; and if their report shall be in the affirmative, then the governor shall, by license under his hand and the seal of the state, permit and suffer said company to erect and fix such, and so many gates or turnpikes upon and across the said road, as will be necessary and sufficient to collect from all persons, otherwise than on foot, the same tolls which are hereinafter authorized: *Provided*, That all persons attending funerals, military parades and trainings, or divine worship on the Sabbath day, shall, at all times, be exempted from payment of any toll on said road. Governor to appoint viewers.  
License.  
Proviso.

SECTION 14. The said company having perfected the said road, or such part thereof from time to time as aforesaid, and being examined, approved and licensed as aforesaid, it shall and may be lawful for them to appoint such, and so many toll-gatherers as they shall think proper to collect and receive of, and from all and every person or persons using the said road, the tolls and rates hereinafter mentioned, and to stop any person riding or leading any horse, or driving any cattle, hogs or sheep, Toll-gatherers.

Tolls.

or driving any coach, coachee, sulkey, chair, chaise, phaeton, cart, wagon, wain, sleigh, sled or other carriages of burden or pleasure, from passing through the said turnpike or gates, until they shall respectively paid the same ; that is to say, for every five miles in length of the said road, completed and licensed as aforesaid, the following sum of money, and so in proportion for any lesser or greater distance actually traveled, or for any greater or less number of sheep, hogs or cattle, to wit:—For every score of hogs, six cents ; for every score of sheep, six cents ; for every score of cattle, twelve and a-half cents ; for every horse and his rider, or led horse, three cents ; for every sulkey, chair or chaise, with one horse and two wheels, six cents, and with two horses, nine cents ; for every chariot, coach, phaeton or chaise with four wheels and two horses, twelve and one-half cents ; for either of the carriages last mentioned, with four horses, twenty cents ; for every other carriage of pleasure under whatsoever name it may go, the like sums according to the number of wheels and horses drawing the same ; for every sled two cents, for each horse drawing the same ; for every cart or wagon, the wheels of which do not exceed the breadth of four inches, six cents for each horse drawing the same ; for every cart or wagon, the wheels of which shall exceed in breadth four inches, and not exceeding seven inches, three cents for each horse drawing the same ; for every cart or wagon, the breadth of the wheels of which shall be more than seven inches, and not more than ten inches, or being of the breadth of seven inches, shall roll more than ten inches, two cents for each horse drawing the same ; for every cart or wagon, the breadth of the wheels of which shall be more than ten inches, and not exceeding twelve inches, or being ten inches, shall roll more than fifteen inches, one cent for every horse drawing the same ; for every cart or wagon, the breadth of the wheels of which shall be more than twelve inches, one cent for each horse drawing the same ; and all carriages aforesaid, which shall be drawn by oxen in the whole, or partly by oxen and partly by horses, two oxen shall be estimated as equal to one horse, in charging as aforesaid tolls, and every mule equal to one horse ; and if any person or persons shall represent to the said company, or any of their officers, that he, she or they have traveled a less distance than he, she or they have actually traveled along the said road, with intent to defraud the said company of their toll, or any part thereof, such person or persons shall, for every such offence, forfeit and pay to the use of the said company, any sum not exceeding five dollars ; and if any toll-gatherer shall demand and receive greater, or other toll from any person or persons, than such toll-gatherer is authorized to demand and receive by virtue of this act, such toll-gatherer shall forfeit and pay the sum of twenty dollars for every such offence, to the supervisors of the highways of the township in which the forfeiture is incurred, for the repairs of the roads in the said township, and for the payment of which the said company shall be responsible : *Provided always*, That it shall and may be lawful for the said company, by their by-laws, to regulate the burden or carriages to be drawn along the said road, in such manner as shall be found, from experience, to be most conducive to the public convenience, and the advantages of said company.

Penalty for evading the payment of toll.

Proviso.

Penalties for violations.

SECTION 15. For collecting and receiving tolls, for every attempt to evade the payment thereof, for every neglect to keep the said road in good repair, for the increase, diminution and application of tolls, the erection of index posts, and for injuring and defacing the same, for the regulation of the traveling on the said road, and for limitation of actions, and for the recovery and application of fines and penalties for offences against this act, the said company shall have all the powers and author-

ities, rights and privileges, and be subject to all the penalties which are given and granted by the act, entitled “A supplement to an act, entitled ‘An Act authorizing the governor to incorporate a company for making an artificial road from the bank of the river Susquehanna, opposite the borough of Harrisburg, to Pittsburg.’”

SECTION 16. That the legislature hereby reserves the right to alter or Reservation.  
repeal this charter; in such manner, however, as to do no injustice to the corporators.

FINDLEY PATTERSON,  
*Speaker of the House of Representatives.*

DANIEL L. SHERWOOD,  
*Speaker of the Senate.*

APPROVED—The twentieth day of April, one thousand eight hundred and forty-six.

FRS. R. SHUNK.

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[ 1847. ]

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No. 383.

## SUPPLEMENT

To an act, entitled “An Act to incorporate the French Creek bridge company,”  
passed the twenty-fifth day of May, one thousand eight hundred and forty.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same.* That the provisions of the act of the twenty-fifth of May, eighteen hundred and forty, entitled “An Act to incorporate the French Creek bridge company,” be and the same is hereby revived and extended, except as Act of incorporation revived and extended.  
the same is hereinafter altered and supplied.

SECTION 2. That William Elliott, J. B. Nicklin, Dr. B. Gillet, Commissioners.  
William M. Smiley, Thomas Turner and Parker M'Dowell, are hereby appointed commissioners instead of those named in the said act; and that the commissioners herein named, or any three of them, shall procure one or more books of subscription as therein stated, and shall open the same for subscription, on or before the first day of August next, subject to the provisions of the act to which this is a supplement.

SECTION 3. That the location of the bridge shall be between the out- Location of  
let lock of the Franklin line, and the store house of Nicklin and Bryden, bridge.  
at the town of Franklin: and that the form of the subscription authorized by the act to which this is a supplement, be made to correspond with this act; and that each share of stock shall be ten dollars instead of twenty, and one hundred or more shares subscribed instead of fifty. The president and managers of said company are hereby authorized to

regulate the tolls, but in no case whatever to make the tolls higher than the rates fixed in the act to which this is a supplement.

Part of act re-  
pealed, and resi-  
due continued.

SECTION 4. That so much of said act as is supplied and altered by this supplement, be and the same is hereby repealed, and the remaining sections and provisions to remain in full force.

JAMES COOPER,  
*Speaker of the House of Representatives.*

CH. GIBBONS,  
*Speaker of the Senate.*

APPROVED—The eighth day of February, one thousand eight hundred and forty-seven.

FRS. R. SHUNK

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No. 384.

## AN ACT

Authorizing the governor to incorporate the Lahaska and New Hope turnpike road company.

Commissioners.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That Samuel D. Ingham, John Blackfan, William H. Johnson, Matthias Shaw, William Stavelly, John K. Paxson, John Kitchen, William Smith, Jonathan Ely, Abner Atkinson, Amos C. Paxson, William Kitchen, William Williams, Alexander Cathers, Isaac Scarborough, Joseph P. Wilkinson, Merrick Reeder, Richard Randolph, Joseph E. Reeder, Charles D. Fell, Isaac Coulter, Daniel Ely, Horatia N. Beaumont, Andrew J. Beaumont, Joseph D. Murray, Charles Foulke, Samuel Sutton, Daniel Parry, John C. Parry, Elisha Reeves, John Coryell, Samuel D. Stryker, A. St. John, George Rohll, John H. Anderson, Thomas Betts, Edward Williams, Thomas Paxson, Joseph Broadhurst, Joseph Anderson, Samuel Eastburn, Valentine Dikerson, James Burson, Harvey Shaw, Hugh B. Ely, Benjamin S. Rich, Heil Gilbert, Oliver Paxson and Joseph O. Ely, be and the same are hereby

Powers and duty.

appointed commissioners, with full power and authority, and subject to like restrictions and regulations, to do and perform the same duties for the company to be incorporated by this act, that the commissioners are authorized to do and perform for the Doylestown and Danborough turnpike road company, in the act, entitled “An Act to incorporate the president and managers of the Doylestown and Danborough turnpike road company, and for other purposes,” approved the twenty-first day of March, Anno Domini one thousand eight hundred and forty-two; and the said commissioners shall have the same power and authority, and be subject to the like restrictions and regulations as are provided for in the acts supplementary to the act above named, giving additional powers to said Doylestown and Danborough turnpike road company;

and this company shall be known by the name, style and title of the Lahaska and New Hope turnpike road company.

SECTION 2. That the road of the said Lahaska and New Hope turn- Location.  
pike company, shall commence on the public road at the west end of the New Hope and Delaware bridge, in the borough of New Hope, and thence into and along the old York road, to meet and intersect the turnpike road authorized to be made by the Buckingham and Doylestown turnpike road company, at Wilson's creek, on the said old York road. The Lahaska and New Hope turnpike road company to have full authority to depart from the bed of the road as now located, in order to avoid hills, straighten the road or to select a more advantageous location, commencing and terminating at the points designated in this act.

SECTION 3. The time for opening books to receive subscriptions to Time limited.  
the stock of the said Lahaska and New Hope turnpike road company, shall be from the passage of this act to any period of time not exceeding the first day of November, one thousand eight hundred and forty-nine; and any five of the commissioners named in this act, shall constitute a quorum to organize and transact the duties enjoined upon them by this Quorum.  
act of incorporation.

JAMES COOPER,  
*Speaker of the House of Representatives.*

CH. GIBBONS,  
*Speaker of the Senate.*

APPROVED—The twenty-fourth day of February, one thousand eight hundred and forty-seven.

FRS. R. SHUNK.

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No. 385.

## A N A C T

To incorporate the Carpenter's Island meadow company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the owners or occupiers, as the case may be, being persons or agents Incorporators.  
of persons liable for the taxes of the several portions of all that certain tract of land, situate in the counties of Philadelphia and Delaware, beginning at a point on Mingo's creek, in the middle of the dam on the river Schuylkill; thence down the bank now maintained and kept in repair by the heirs of William Bingham, deceased, to the fast land on Province island; thence down the south side of said fast land to the wharf belonging to the United States, on the channel dividing Fort Mifflin and Hog island from the main land; thence down said channel along a bank belonging to William Wonderly, to the corner of the bank on land now in the occupancy of Pearson Serrill; thence down said

bank to a point parallel with the north wharf adjoining Fort Mifflin; thence across the flat and said channel to said north wharf; thence beginning from the lower angle of the embankment of said Fort, down the river Delaware, to the east end of the bank or dyke on Hog island, belonging to Samuel Murdock and wife; thence down the river Delaware along the bank of said Samuel Murdock, John Black, Isaac and Samuel M. Reeves, to the mouth of the channel dividing Hog island, from a flat of unreclaimed land called Martin's bar; thence up said channel to a point inside of said Martin's bar, to a suitable place for making a dam across the channel; and thence across a flat belonging to the estate of said William Bingham, deceased, or Jabez Bunting, to the bank or dyke on said estates; thence a straight course to the old dam across Bow creek; thence up said Bow creek to Church creek, along the line bounding the incorporated district of Kingsessing; thence up said Church creek along the line of Jebez Bunting to Hog Island lane; thence down said lane to the bank at the end of Hog Island bridge; thence up the middle of said bank to the line bounding the estate late of William Bingham, deceased; thence up said line to the fast land on Carpenter's island; thence up and around the fast land, on the south side of said island, to Eagle creek; thence along said creek to Mingo's creek; thence down said Mingo's creek to the place of beginning, supposed to contain about thirteen hundred acres; which said parcel of Marsh meadow land hath been and now is embanked, except about two hundred acres laying between Fort Mifflin and Hog island and the main land, shall be and hereby are erected and made one body politic and corporate, in deed and in law, by the name, style or title of the Carpenter's Island meadow company, and by that name shall have perpetual succession, sue and be sued, have power to make by-laws, ordinances and regulations, convenient for the purposes of the corporation, not inconsistent with the constitution and laws of this commonwealth, and generally to do all such acts as to the said corporation shall appertain.

Style.

Privileges.

Managers to construct works.

Annual election.

Description of works to be constructed.

SECTION 2. That Isaac Reeves, Benjamin Serrill, Caleb Churchman, Pearson Serrill and Jabez Bunting, be and they are hereby appointed managers to construct the new work provided for by this act; and also to appoint a treasurer until the third Monday in March, one thousand eight hundred and forty-nine, and until their successors shall have been elected; which election shall be called and conducted by Caleb Churchman, Benjamin Serrill and Isaac Reeves, or any two of them; and on the said third Monday of March, in that and every year thereafter, an election shall be held in manner aforesaid for said officers: ten days' public notice of the time and place of such elections shall be given by the treasurer of the said company.

SECTION 3. That the said managers, as soon as may be after the passage of this act, shall proceed to construct and make, or cause to be constructed and made, the following described new banks, dam and sluices, namely: first, a new bank, beginning at the fast land of the seven acre lot belonging to the United States, on Province island; thence down the west side of the channel dividing Mud island and Hog island from the main land, upon the land of William Wonderly, and the estate of the late Thomas Serrill, deceased, to the north wharf adjoining Fort Mifflin: second, a new bank commencing at the lower side of the embankment of said fort, and running down the river Delaware to the embankment at the upper end of Hog island, upon the lands belonging to Samuel Murdock and wife, and the United States; the aforesaid two divisions of new bank, the said managers shall locate upon the lands aforesaid, agreeably and according to a certain order

aforesaid of the United States engineer department, and be constructed and made with stone and other suitable materials, in the best manner : third, the said managers shall locate a dam across the channel aforesaid, at the lower side of Hog island, upon the lands of Isaac and Samuel Reeves, or of Samuel Murdock, upon the one side, and the estate of the late William Bingham, or of Jabez Bunting, upon the other side of said channel, at such point and place as they shall think proper ; and after such location is fixed, shall locate and construct, or cause to be constructed and made, a new bank from such location, to the next nearest and most convenient and suitable point or points, upon the present old banks on both sides of said channel : fourth, that as soon as the foregoing described divisions or pieces of banks are fully made and completed, and secured with stone and other suitable material, said managers shall (and not before) cause to be made a good and sufficient dam across said channel at said location, laying two or more sluices or flood-gates thereon, sufficient to drain the water from the lands above, that have hitherto been drained down said channel, and complete the whole suitably and securely: *Provided*, That the present old bank in Proviso. the rear of Hog island, commencing at the upper end of said island, at the junction of the projected new bank, and running down to the projected dam, together with the present old bank, on the west side of said channel, commencing at the old dam across Bow creek, and running directly up to the seven acre lot belonging to the United States aforesaid, shall be allowed to remain in its present condition ; and the owners and occupiers of the land upon which said bank is constructed, or any other person, shall not cut down or remove any part of the said banks, so as to injure or weaken the same, for the purpose of making cart ways across them, or for any purpose whatever ; and a majority of the managers are hereby required to inspect said banks once a year ; and if they shall find that injury has been done, they shall cause the same to be repaired, and the expense shall be paid by the said owners or occupiers of said bank.

SECTION 4. That the cost and expense of locating, constructing and Costs, how and completing the herein described divisions, or pieces of new banks, dam by whom to be and sluices, or flood gates, together with all other necessary cost and paid. expense that have heretofore, or may hereafter accrue relating to the same, shall be paid for as follows, viz : By Caleb Churchman, Pearson Serrill and his trustee, Isaac S. Serrill, Benjamin Serrill and his trustee, Thomas D. Serrill, Samuel Murdock and wife, John Black, Isaac and Samuel M. Reeves, the estate of the late William Bingham, deceased, Jabez Bunting and William Wonderly ; the money to be collected and paid to the treasurer, as otherwise provided for by this act, in such proportions as five disinterested and suitable persons mutually chosen by the parties, shall adjudge and award, taking into consideration the relative advantages and disadvantages that each party may have in proportion to their respective interests.

SECTION 5. That the said managers shall have full authority to lay Authority to levy and impose taxes on each acre of marsh meadow land within the said taxes. corporate boundaries, (except about nine acres belonging to Hill Pennell) for maintaining and keeping in repair the banks, dams, sluices and flood gates, et cetera, belonging to said company, which said tax shall be a lien on all the land upon which the same may be assessed.

SECTION 6. That if any of the said owners, occupiers or possessors Suits may be of meadow lands within the aforesaid boundaries, shall neglect or refuse brought for the to pay the several sums of money that shall from time to time be rated, recovery of shares assessed or imposed by the major part of the managers, for paying and of expenses. discharging their respective proportions, for the construction and main-

Proviso.

taining the banks, dams and sluices, as described in the foregoing sections of this law, and for other purposes provided for in this act, it shall and may be lawful to and for said treasurer, by direction of the majority of the said managers in the name of the corporation, to sue for and recover the several sums of money so charged and assessed, in the same manner as debts not exceeding twenty dollars, are by law recoverable, and give this act and the said assessment, or the said account, in evidence : *Provided always*, That such delinquent owner or occupier, or possessor, shall not be entitled to stay of execution for any longer time than ten days ; or it shall and may be lawful to and for the treasurer, by direction of the managers as aforesaid, in his own name, to apply to some justice of the peace in the county, for his warrant of distress, for levying the said sums of money so neglected or refused to be paid, directed to the constable of the township where the meadows are ; which said warrant, the said justice of the peace is hereby empowered and directed to grant accordingly, to be by said constable levied on the tract or piece of marsh meadow belonging as aforesaid, to such owner or owners so neglecting, and deliver the same over to the managers, who, or a major part of them, are hereby empowered and authorized to let the same on rent, or any part thereof, as may be sufficient, belonging to such delinquent owner or owners so neglecting as aforesaid, from time to time for so long a time, or until the rent or rents arising therefrom, shall nearly as may be computed, pay all such sum or sums of money so assessed, charged or imposed, together with all costs and reasonable expenses arising thereon, for his, her or their neglect or refusal to pay the same as aforesaid, and no longer : *Provided always*, That in letting out the said meadow land, the managers shall publicly notify the leasing thereof, and let the same to the highest and best bidder at public sale.

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Power to dispose of moneys in the treasury.

SECTION 7. That the managers of this company, or any three of them, shall have the power of disposing of all moneys paid to the treasurer by virtue of this act, and hiring, employing and contracting with any person or persons, from time to time, to inspect, construct, make and amend all the banks, dams, sluices and flood gates belonging to the said company. and to pay the same out of the common fund of the company ; and it shall and may be lawful to and for the said managers, or any three of them, together with such workmen, horses, oxen, carts, barrows and other tools as they shall think necessary, to enter into and upon any of the lands in the said divisions, where a breach or defect now is or shall hereafter happen to be, and then and there to dig and carry earth, or purchase suitable materials to make, amend and repair the said banks, dams, sluices and flood gates, and all other conveniences necessary for stopping out the tide, or for draining the waters off the said meadows, in such manner, and by such ways and means as they the said managers, or a majority of them, shall think fit and reasonable ; any laws, usage or custom of this commonwealth to the contrary, in anywise notwithstanding.

Duties of managers.

SECTION 8. It shall be the duty of the managers, and they are hereby required, to cause the present old bank in front of Hog Island meadows, from its junctions with the new bank at the upper end, down the river Delaware, and around to the contemplated dam at the lower end ; and also the bank from Mingo's creek to Province island, to be repaired and put in good order with stone and other material ; the cost and expense of said repair shall be paid by the owners of the land upon which said repairs and banks are located, the money to be collected as otherwise provided for by this act : *Provided always*, That if in time hereafter it shall be found and seen that the flat between said old bank and the margin of the river at low tide, shall wear away, and the present old

Proviso.



bank cannot be maintained with safety and economy, and that it shall be necessary to locate and construct a new bank inside of the present one in part, or any parts thereof, then in such case, the said owners shall not be allowed damages, nor shall any damage for the ground be allowed or paid by the managers for such location, or by reason of such construction on their ground, or for any earth removed from either side of said bank or banks, for repairing or constructing the same; the managers causing as little injury to be done to the owners of the lands aforesaid, as possible.

**SECTION 9.** The managers shall at least twice in each year, at such times as they shall think proper, require the banks to be mown or pastured, so as to keep them clear of all heavy grass, weeds, trees and bushes; and if the owners and occupiers of the lands upon which the banks are located, shall refuse or neglect to pasture, mow, cut down or remove the same after being notified, the managers are hereby enjoined and required to have the same done, and charge the costs thereof to the said company. Banks to be mown and pastured.

**SECTION 10.** A majority of the managers shall cause to be cut or made new ditches, in suitable places, and scour and open them that are at present cut or made, and keep the same in good order, so as to draw or convey the water from the lands of the owners and occupiers which are remote from the sluices or flood gates, and apportion the cost of making and opening the same among them, in proportion to the benefit each may derive therefrom. To open ditches, &c.

**SECTION 11.** The managers of the said company, shall each of them, have and receive one dollar and fifty cents per day, for each day that they shall be employed in the several duties required of them; and the treasurers shall have such compensation for their services as a majority of the managers shall think adequate; and it is hereby required that one of the managers, whenever there is more than two men employed in repairing said banks by the day, to attend to the work personally throughout the day. Compensation.

**SECTION 12.** The said managers shall have authority to locate and construct a road, wide enough for a eartway, according to the orders of the engineer department of the United States, dated April twenty-seven, one thousand eight hundred and forty-six; the said road shall by this act, be secured to the United States, for the use of the garrison on Mud island, so long as it may remain there and no longer, and for those whose lands border on said road, and shall be located on or along the said contemplated bank, at the option of the owner, across the flats and channel to the present outer bank, on the estate late of Thomas Serrill, deceased; thence up and along the same to the outer corner of William Wonderly's land, to be reclaimed by his projected bank; thence on the land of the said William Wonderly, up to the said seven acre lot; the managers are hereby required to comply with the conditions of said orders, and to pay the damages and the costs of said road out of the common funds of the company; and the materials for the construction and repair of the road, shall in no wise be taken from inside the banks, except by the consent of the owners; the damages to the owners of the bank and the land on which the said road shall be located as aforesaid, shall be assessed by five suitable persons, two to be chosen by the managers, two by the parties concerned, and one by those four individuals; any other law otherwise providing for said road is hereby repealed. Power to locate and construct a road.

**SECTION 13.** The treasurer of said company before he enters upon the duties of his said office, shall execute a bond to the company, with at least one sufficient surety, in double the value of the money which may probably come into his hands during his continuance in office, condi- Treasurer to give security.



the books aforesaid shall not have the said number of one hundred and twenty shares therein subscribed, the commissioners respectively may adjourn from time to time, and transfer the said books from place to place, until the whole number of shares shall be subscribed; of which adjournment and transfer the commissioners shall give such public notice as the occasion may require; and when the whole number of shares subscribed shall amount to one hundred and twenty, the same shall be closed: *Provided always*, That every person offering to subscribe in said books, in his own or in any other name, shall previously pay to the attending commissioner or commissioners, the sum of five dollars for every share to be subscribed, out of which shall be defrayed such incidental charges and expenses as may be necessary for taking such subscription, and the remainder shall be paid over to the treasurer of the corporation, as soon as the same shall be organized, and the officers chosen as hereinafter mentioned.

SECTION 2. When ten persons or more shall have subscribed sixty shares of the said stock, said commissioners may respectively, or when the whole number of shares aforesaid shall be subscribed, they shall certify, under their hands and seals, the names of the subscribers, and the number of shares subscribed by each, to the governor of this commonwealth; whereupon it shall and may be lawful for the governor, by letters patent, under his hand and the seal of the state, to create and erect the subscribers, and if the subscription be not full at the time, then also those who shall afterwards subscribe to the number aforesaid, into one body politic and corporate, in deed and in law, by the name, style and title of "The president and managers of Waynesboro' and Maryland State Line turnpike road company;" and by the said name the said subscribers shall have perpetual succession, and all privileges and franchises incident to a corporation, and shall be capable of taking and holding the capital stock, and the increase and profits thereof, and of enlarging the same from time to time by new subscriptions, in such manner and form as they shall think proper, if such enlargement shall be found necessary to fulfil the intent of this act, and of purchasing, taking and holding to them, their successors and assigns, and selling, transferring and conveying in fee simple, or for any less estate, all such lands, tenements, hereditaments and estates, real or personal, as shall be necessary to them in the prosecution of their works, and of suing and being sued, and of doing all and every other matter and thing which a corporation or body politic may lawfully do.

SECTION 3. The commissioners aforesaid, as soon as conveniently may be after the said letters patent shall be sealed and obtained, shall give public notice in one or more public papers printed in the county of Franklin, of a time and place by them to be appointed, not less than fourteen days from the time of the first notice, at which time and place the said subscribers shall proceed to organize the said corporation, and shall choose, by a majority of votes of the subscribers, by ballot, in person or by proxy, duly authorized, one president, six managers, one treasurer, and such other officers as may be necessary to conduct the business of said company, until the first Monday in May next, and until such other officers shall be chosen; and shall and may make such by-laws, orders and regulations, not inconsistent with the constitution and laws of this commonwealth, or of the United States, as shall be necessary for the well ordering of the affairs of said company: *Provided*, That no person shall have more than ten votes at any election, or in determining any question arising at such meeting, whatever number of shares he may be entitled to, and that each person shall be entitled to one vote for every share held by him under that number.

- Annual meeting.** SECTION 4. The said company shall meet on the first Monday in May in every year, at such place as shall be fixed on by their by-laws, for the purpose of choosing such other officers as aforesaid, for the ensuing year, in manner aforesaid, and at such other times as they may be summoned by the managers, in such manner and form as shall be prescribed by the by-laws of the company; at which annual or special meetings they shall have power and authority to make, alter or repeal, by a majority of votes in manner aforesaid, all such by-laws, rules and regulations made as aforesaid, and to do and perform any other corporate act.
- Certificates of stock.** SECTION 5. The president and managers first to be chosen as aforesaid, shall issue certificates of stock to the subscribers severally respectively, signed by the president and countersigned by the treasurer of the said company, which certificate shall be transferable at his or her pleasure, in person or by attorney; subject, however, to the payment due and that may become due thereon; and the assignee holding any certificate, having first caused the assignment or transfer to be entered in a book of the company, to be kept by the treasurer for that purpose, shall, for every share of stock so held by him or her, be entitled to his or her equal proportion of the said capital stock, and of all the estates and emoluments of the company as aforesaid, at the meeting thereof.
- Transferable.**
- Payment of instalments regulated.** SECTION 6. If after thirty days' notice in one or more of the newspapers published in the county of Franklin, of the time and place appointed for the payment of any proportion or dividend of the said capital stock, in order to carry on the work, any stockholder shall neglect to pay any such proportion or dividend at the place appointed, for thirty days after the time so appointed, every such stockholder or assignee shall, in addition to the dividends so called for, pay at the rate of five per centum per month for delay of such payment; and if the same and the said additional penalty shall remain unpaid for the space of six months, the same shall be forfeited to the said company, and may be sold to any person or persons willing to purchase, for such price as can be obtained for the same.
- Quorum.** SECTION 7. The said president and managers shall meet at such time and places as shall be ordained by their by-laws, and when met four members shall form a quorum, who in the absence of the president may choose a chairman, and shall keep minutes of all their transactions fairly entered in a book; and a quorum being formed, they shall have power and authority to appoint all such surveyors, engineers, superintendents, or other artists and officers as they shall deem necessary to carry on their intended works, and fix their salaries and wages, to ascertain the times when, and manner and proportion in which the stockholders shall pay the moneys due on their respective shares in order to carry on the work, to draw orders on the treasurer for moneys necessary to pay the salaries or wages of persons by them employed, and for labor done and materials provided in the prosecution of the work, which order shall be entered on the book of minutes, and shall be signed by the president, or in his absence by the chairman, and countersigned by their secretary, and generally to do all such other acts, matters and things as by this act and the by-laws, rules and regulations of the company, shall be committed to them.
- Powers and duties of board.**
- Location.** SECTION 8. The said road shall commence at the Waynesboro', Green Castle and Mercersburg turnpike road, in the borough of Waynesboro', in the county of Franklin, and running thence (as near as practicable) by the route of the Waynesboro' and Leitersburg road to the

Maryland state line, at or near Isaac H. Durboraw's, there to connect with the Hagerstown and Pennsylvania State Line turnpike road.

**SECTION 9.** The president, managers and company shall cause a road Width and construction of road. to be laid out of not less than forty feet in width, in such a manner as not to injure any of the present buildings on the route, and at least twenty feet thereof be made good and substantial turnpike road, to secure a firm and as near as the materials will admit of, an even surface, and in no place rise or fall more than will form an angle of four degrees with a horizontal line, and shall forever after maintain and keep the same in good and perfect order from the place of beginning to the termination thereof; and the president and managers and company shall have power to occupy and erect permanent bridges over all the waters crossing the said road.

**SECTION 10.** So soon as the said president, managers and company shall have perfected and completed the said road, they shall give notice thereof to the governor of this commonwealth, who shall thereupon forthwith nominate and appoint three disinterested persons to view and examine the same, and report to him in writing whether the said road is executed in a masterly and workmanlike manner, according to the true intent and meaning of this act; and if their report shall be in the affirmative, then the governor shall by license, under his hand and the lesser seal of the commonwealth, permit and suffer the said president, managers and company to erect and fix so many gates upon and across the said road, as will be necessary and sufficient to collect the toll duties hereinafter granted to the said company, from all persons traveling on the same with horses, cattle, carts, carriages, and so forth: *Provided,* That all persons attending to military duties, funerals or places of worship, their horses and carriages, shall be exempt from payment of tolls in going to or returning therefrom. Appoint viewers.  
To issue license to take toll.  
Proviso.

**SECTION 11.** It may be lawful for the said president, managers and company, by and with their superintendents, engineers, artists, workmen and laborers, their tools and instruments, carts, wagons and other carriages and beasts of draught and burden, to enter in and upon the lands contiguous and near to which the said road shall be made or constructed, first giving notice of their intention to the occupiers thereof when the land is occupied, and to the owners thereof when it is unoccupied, and doing as little damage thereto as possible, and making amends for damages upon reasonable and equitable agreement by the parties; or if they cannot agree thereupon, a just and equitable assessment to be made upon oath or affirmation by disinterested freeholders, or any two of them, to be mutually chosen, or if either party upon due notice shall neglect or refuse to join in the choice, then to be chosen by a justice of the peace of the county of Franklin, who shall not be interested therein; and upon the tender of the assessed value, taking into consideration the advantages as well as the disadvantages which may be sustained by the owner or owners of said land or lands, to dig, take and carry away any timber, stone, sand, earth or other materials necessary or suitable for the making of said road: *Provided,* That the managers or directors of the said road shall always pay the amount of the damages estimated as aforesaid, or give security for the same before entering upon any land or lands, for the purpose of commencing operations in the construction of the whole, or any part of the said road. Enter upon lands  
Damages to be ascertained and paid.  
Proviso.

**SECTION 12.** In addition to the power hereinbefore granted, the said company shall generally have like powers, authority and privileges for carrying on and completing the said turnpike road, and be subject to all the duties, qualifications, restrictions, penalties, fines and forfeitures, and be entitled to like tolls and profits in proportion to the distance, as

are given or granted to the president and managers of the Danborough and Point Pleasant turnpike road company, in the eleventh, twelfth, thirteenth, fourteenth, fifteenth, sixteenth, eighteenth and nineteenth sections of the act, entitled "An Act to incorporate the president and managers of the Danborough and Point Pleasant turnpike road company," passed the thirteenth day of February, one thousand eight hundred and forty-six.

JAMES COOPER,  
*Speaker of the House of Representatives.*

CH. GIBBONS,  
*Speaker of the Senate.*

APPROVED—The twenty-seventh day of February, one thousand eight hundred and forty-seven.

FRS. R. SHUNK.

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No. 387.

### A SUPPLEMENT

To an act to authorize the governor to incorporate a company for making an artificial road from the Monongahela and Coal Hill turnpike road, near the top of Coal hill, in the county of Allegheny, in a direction towards Cannonsburg, in the county of Washington, and for other purposes, passed June seventh, one thousand eight hundred and forty-one.

Coal Hill and  
Upper St. Clair  
turnpike road  
company revived.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the act to which this is a supplement, so far as the same relates to the Coal Hill and Upper St. Clair turnpike road company, be and the same is hereby revived, extended and continued in force upon the same terms, conditions and limitations, from and after the passage of this act, as were contained in the original act from and after the date of its passage; and James Espy, John Gillfilan, John Patterson, William Espy and William Boggs, of the county of Allegheny, and John Bowers, of the county of Washington, be and they are hereby appointed commissioners to hold the first election for president and managers of said company.

JAMES COOPER,  
*Speaker of the House of Representatives.*

CH. GIBBONS,  
*Speaker of the Senate.*

APPROVED—The sixth day of March, one thousand eight hundred and forty-seven.

FRS. R. SHUNK.

No. 388.

## AN ACT

To extend the charter of the Merchants' and Manufacturers' Bank of Pittsburg.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the charter of the Merchants' and Manufacturers' Bank of Pittsburg, Charter extended shall be and the same is hereby extended and continued, for the pur- for ten years. pose of transacting the business of banking at any place within the limits of the city of Pittsburg, for the term of ten years from the expiration of the present charter, with the capital stock as at present fixed by law, subject to all the provisions and restrictions that are imposed upon banking institutions of this commonwealth; and likewise to all the provisions and restrictions imposed upon the Western Bank of Philadelphia, by an act, entitled "An Act to extend the charter of the Western Bank of Philadelphia," approved April seventh, one thousand eight hundred and forty-six; and all the jurisdiction conferred upon the court of common pleas of Philadelphia county by said act, are hereby extended to and conferred on the court of common pleas of Allegheny county, so far as they will apply to said Merchants' and Manufacturers' Bank of Pittsburg.

JAMES COOPER,

*Speaker of the House of Representatives.*

CH. GIBBONS,

*Speaker of the Senate.*

APPROVED—The sixth day of March, one thousand eight hundred and forty-seven.

FRS. R. SHUNK.

No. 389.

## AN ACT

To authorize the governor to incorporate a company to make an artificial road or turnpike from the borough of Kittanning to the borough of Freeport, in the county of Armstrong.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That Darevin Phelps, Joseph Clark, John Gilpin, John Meehling, Hugh Commissioners. Campbell and Thomas M'Connell, of the borough of Kittanning; Wal-

	ter M. Skelton, Hiram Hill, William F. Coyle, James Murphy and Levi Green, of Buffalo township; J. Noble Nesbit, John White, James Morrison, Peter Ulam, James Donnelly and James M'Call, of the borough of Freeport, or any five of them, are hereby appointed commissioners, to do and perform the several things hereinafter mentioned; that is to say, they the said commissioners, or any five of them, shall, on or before the first day of June, Anno Domini eighteen hundred and forty-seven, procure one or more books, and enter in each of them as follows: "We whose names are hereunto subscribed, do promise to pay unto the president and managers of the Kittanning and Freeport turnpike road company, the sum of twenty dollars for every share of stock set opposite to our respective names, in such manner and proportion, and at such times as shall be determined by the president and managers of the said company, in pursuance of any act of the general assembly of this commonwealth, entitled 'An Act to authorize the governor to incorporate a company to make an artificial road or turnpike from the borough of Kittanning to the borough of Freeport, in the county of Armstrong.' Witness our hands, the                      day of                      Anno Domini eighteen hundred and forty-seven;"
Duties.	
Form of subscription.	
Notice of opening books.	and the said commissioners shall thereupon give notice in one or more newspapers printed in the borough of Kittanning, for one month at least, of the times and places, in said county, when and where the said books shall be opened to receive subscriptions for the stock of said company; at which times and places one of said commissioners shall attend, and permit all persons of lawful age who shall offer to subscribe in their own names, or in the name of any other person or persons who shall duly authorize the same, for any number of the shares of the stock; and the said books shall be kept open for the purpose aforesaid, at least six hours in every juridical day, for the space of six days, or until said books so opened shall have five hundred and fifty shares therein subscribed; and if at the expiration of six days, the books aforesaid, or either of them, shall not have the respective number of shares aforesaid therein subscribed, the said commissioners may adjourn from time to time, and transfer the said books from place to place, until the whole number of shares shall be subscribed; of which adjournment and transfer, due notice shall be given by at least one publication in a newspaper published in said county, and when the whole number of shares subscribed in all the books shall amount to five hundred and fifty shares, the same shall be closed: <i>Provided always</i> , That the commissioners shall require the sum of two dollars on each share of stock subscribed, to be paid at the time of subscribing, to defray expenses, and the balance, after defraying such expenses, to be accounted for by them to the company.
Who may subscribe.	
Number of shares.	
Letters patent.	SECTION 2. That when fifty or more shares of the said stock shall have been subscribed, the commissioners, or any five of them, shall certify, under their hands and seals, the name or names of the subscribers, and the number of shares subscribed by each, to the governor; and thereupon the governor shall, by letters patent, under his hand and the seal of the state, create and erect the subscribers, (and if the subscription be not full to the number of five hundred and fifty shares at the time, then also those who shall afterwards subscribe to said stock,) into a body corporate and politic, by the name and style of the Kittanning and Freeport turnpike road company; and by the same name the subscribers shall have perpetual succession, and all the privileges and franchises incident to a corporation; and shall be capable of taking and holding their capital stock, and the increase and profits thereof, and of enlarging the same from time to time, by new subscriptions, in such
Style.	
Privileges.	



manner and form as they shall think proper, if such enlargement shall be found necessary to fulfil the intent of this act; and of purchasing, taking and holding, transferring and conveying in fee simple, or for any lesser estate, all such land, tenements, hereditaments and estates, real and personal, as shall be necessary to them in the prosecution of their works; and of suing and being sued, and of doing any other matter or thing which a corporation or body politic may lawfully do.

SECTION 3. That the commissioners, as soon as may be after said letters patent shall be sealed and obtained, shall give notice in one or more newspapers printed in the borough of Kittanning aforesaid, of the time and place by them to be appointed, not less than thirty days from the publication of the first notice, at which time and place the said subscribers shall proceed to organize, and shall choose by a majority of votes of said subscribers by ballot, each stockholder being entitled at this and every subsequent election, to one vote for every share of stock subscribed, to be delivered in person or by proxy duly authorized, one president, six managers, one treasurer, and such other officers as they shall think necessary to conduct the business for one year, and until such other officers shall be chosen; and the said managers so chosen and their successors, shall and may make such by-laws, rules, orders and regulations, not inconsistent with the constitution and laws of this commonwealth or of the United States, as shall be necessary for the well ordering of the affairs of the said company; and shall have power to lay out, construct and complete an artificial road or turnpike from the borough of Kittanning to the borough of Freeport, having regard to the best ground, and nearest route between said boroughs; and shall have like powers, authorities and privileges, necessary for carrying on and completing said turnpike road, and be subject to all the duties, qualifications, restrictions, penalties, fines and forfeitures, and be entitled to the like tolls and profits, in proportion to the distance, as are given and granted to the president, managers and company, of the Pittsburg and Greensburg turnpike road, by the several acts of this commonwealth: *Provided*, That if the said company shall not proceed to carry on the said work within five years after the passage of this act, or shall not within twenty years afterwards complete the said road, according to the true intent and meaning of this act, in either of those cases, it shall may be lawful for the legislature of this commonwealth, to resume all and singular the rights, privileges, liberties and franchises, by this act granted to said company. Organization.  
Powers.  
Proviso.

SECTION 4. That the said company are hereby authorized, so soon as any five continuous miles of said road are finished and completed, to erect a toll house thereon, and to claim, demand and take toll from all passengers traveling thereon. Erect toll house

SECTION 5. It shall and may be lawful for bodies corporate and politic, counties and townships, and they are hereby authorized in their corporate capacity, to subscribe to the capital stock of said company, and through their lawful agents or organs, to take, hold and enjoy, any number of shares therein, in the same manner, and subject to the same rules and restrictions as natural persons are. Corporate bodies,  
&c. may take  
stock.

SECTION 6. That the commonwealth agrees to relinquish, and doth hereby relinquish, assign, set over and convey to the said company, all her right, title, interest and claim of, in and to a certain public work, known and designated as the Allegheny feeder, or the land on which it is located, at least such parts thereof as the said company may find necessary to occupy, in laying out and completing the turnpike road mentioned in this act. Relinquishment  
of commonwealth  
of Allegheny  
feeder, or the  
lands on which  
it is located.

Act incorporating the Freeport and Kittanning turn-pike road company, repealed.

SECTION 7. That an act, entitled “An Act to authorize the governor to incorporate a company for making an artificial road from the borough of Freeport to the borough of Kittanning,” approved the twenty-third day of June, Anno Domini eighteen hundred and forty-two, be and the same is hereby repealed.

JAMES COOPER,  
*Speaker of the House of Representatives.*

CH. GIBBONS,  
*Speaker of the Senate.*

APPROVED—The sixth day of March, one thousand eight hundred and forty-seven.

FRS. R. SHUNK.

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No. 390.

AN ACT

To incorporate the Lancaster cemetery, in the city of Lancaster.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* George W. Glesner, minister, Peter Long, Philip Metzger and David Longenecker, trustees, John Lenker, Christian Gast, Abraham Bitner, Abraham Cole, William Heitshu and Jacob Fry, elders, and Henry Wilhelm, William Hubbert, Jacob L. Hoffmeyer, Jonathan Dorwart, George Spurrier and Joseph Welshans, deacons of the German Reformed congregation of the city of Lancaster, and their successors in office, shall be able and capable in law to hold the nine acres and one hundred and ten perches of land they have already purchased, and at any time hereafter may add thereto, for the same purpose, by purchase, gift or bequest, any quantity of land, so that the whole quantity of land held by them for that purpose shall not exceed twenty acres, for the use of a burial ground in the city of Lancaster, to be called the “Lancaster cemetery;” to make such rules and regulations in relation to the management of said cemetery, and the government of the lot-holders and visitors of the same, as they may from time to time deem necessary; to lay out, sell and convey, by deed, under the hands and seals of the three trustees aforesaid, and their successors in office, burial lots, with the restriction that the same shall not be used for any other purpose than for the burial of the dead, and shall not be liable to be levied upon and sold for debt, and to have and hold so much personal estate as may be necessary for the right use and enjoyment of said property: *Provided, That said exemption from levy and sale for debt, shall not extend beyond four lots as held by any one individual: And provided further, That the same shall be exempt from county and municipal tax.*

Deacons of Reformed congregation of the city of Lancaster, are made competent to hold real estate for a cemetery.

Name.

Powers and duties.

Proviso.

SECTION 2. If any person shall open any grave or tomb in said cemetery, and clandestinely remove or attempt to remove any body or remains therefrom, such person, upon conviction thereof, shall be sen-

Penalty for opening grave or tomb.

tenced to undergo an imprisonment in the penitentiary for a period not less than one year, and pay a fine of not less than five hundred dollars.

SECTION 3. If any person shall trespass on the grounds of said cemetery, or shall injure or deface the fences, shrubbery, trees, walks, burial lots, tomb-stones, railing, fixtures, personal or other property attached or belonging to said cemetery, or shall commit any nuisance in or about the same, every such person shall make good the damage, and pay a fine of not less than five dollars, for the use of the poor of the city of Lancaster, to be enforced and collected in the same manner as forfeitures under the act of twenty-second April, seventeen hundred and ninety-four, for the prevention of vice and immorality.

Penalty for committing trespass or injuries to works, &c.

SECTION 4. No street, road, canal or railroad shall hereafter be opened through the lands of said cemetery, nor shall the same be liable to be used or taken for any purpose whatever, not connected with or appertaining to burial purposes.

Restrictions.

SECTION 5. It shall be lawful for the said corporation to take and hold any grant, donation or bequest of property, upon trust, to apply the same for the improvement or embellishment of the said cemetery, or any buildings, structures or fences erected or to be erected thereon.

To hold donations, &c.

SECTION 6. Every lot conveyed in said cemetery, shall be held by the proprietor for the purpose of sepulture alone, transferable with the consent of the trustees for the time being.

Lots transferable.

JAMES COOPER,

*Speaker of the House of Representatives.*

CH. GIBBONS,

*Speaker of the Senate.*

APPROVED—The eighth day of March, one thousand eight hundred and forty-seven.

FRS. R. SHUNK.

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No. 391.

## AN ACT

To change the name of Raiment Sherman, to Raiment Garnet.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That Raiment Sherman, of the township of Columbia, in the county of Bradford, be authorized to change his name from Raiment Sherman to Raiment Garnet; and he shall henceforth be called and known by the name of Raiment Garnet, and by that name shall be able and capable in law to sue and be sued, grant and receive, and to do all other acts as effectually, to all intents and purposes, as he could have done by his former name, if no change had been made therein.

JAMES COOPER,

*Speaker of the House of Representatives.*

CH. GIBBONS,

*Speaker of the Senate.*

APPROVED—The eighth day of March, one thousand eight hundred and forty-seven.

FRS. R. SHUNK.



subscribing, to defray expenses, and the balance after defraying such expenses, to be accounted for by them to the company.

SECTION 2. That when fifty or more shares of the said stock shall have been subscribed, the commissioners, or any five of them, shall certify under their hands and seals the name or names of the subscribers, and the number of shares subscribed by each, to the governor; and thereupon the governor shall by letters patent, under his hand and the seal of the state, create and erect the subscribers, and if the said subscription be not full to the number of five hundred shares at the time, then also those who shall afterwards subscribe to said stock, into a body corporate and politic, by the name and style of the Kittanning and Brady's Bend turnpike road company; and by the same name the subscribers shall have perpetual succession, and all the privileges and franchises incident to a corporation, and shall be capable of taking and holding their capital stock, and the increase and profits thereof, and of enlarging the same from time to time, by new subscriptions, in such manner and form as they shall think proper, if such enlargement shall be found necessary to fulfil the intent of this act; and of purchasing, taking and holding, transferring and conveying in fee simple or for any less estate, all such lands, tenements, hereditaments and estates, real and personal, as shall be necessary to them in the prosecution of their work, and of suing and being sued, and of doing any other matter or thing which a corporation or body politic may lawfully do.

SECTION 3. That the commissioners as soon as may be after said letters patent shall be sealed and obtained, shall give notice in one or more newspapers printed in the borough of Kittanning aforesaid, of the time and place by them to be appointed, not less than thirty days from the publication of the first notice, at which time and place the said subscribers shall proceed to organize, and shall choose by a majority of the votes of the said subscribers by ballot, each stockholder being entitled at this and every subsequent election, to one vote for every share of stock subscribed, to be delivered in person or by proxy duly authorized, one president, six managers, one treasurer, and such other officers as they shall think necessary to conduct the business for one year, and until such other officers shall be chosen; and the said managers so chosen and successors, shall and may make such by-laws, rules, orders and regulations, not inconsistent with the constitution and laws of this commonwealth or of the United States, as shall be necessary for the well ordering of the affairs of the said company; and shall have power to lay out, construct and complete an artificial road or turnpike from the borough of Kittanning to the Brady's Bend iron works, having regard to the best ground and nearest route between said points, and have like powers, authorities and privileges necessary for carrying on and completing said turnpike road, and be subject to all the duties, qualifications, restrictions, penalties, fines and forfeitures, and be entitled to the like tolls and profits in proportion to the distance, as are given and granted to the president, managers and company of the Pitsburg and Greensburg turnpike road, by the several acts of this commonwealth: *Provided*, That if the said company shall not proceed to carry on the said work within five years after the passage of this act, or shall not within twenty years afterwards, complete the said road according to the true intent and meaning of this act, in either of these cases it shall and may be lawful for the legislature of this commonwealth, to resume all and singular the rights, privileges, liberties and franchises by this act granted to said company.

SECTION 4. The said company are hereby authorized, so soon as any five continuous miles of said road are finished and completed, to erect and take toll.

a toll house thereon, and claim, demand and take toll from all passengers traveling thereon.

Corporate bodies  
may subscribe.

SECTION 5. Bodies corporate and politic, counties and townships in their corporate capacity, are hereby authorized and empowered to subscribe for shares of stock in the said company, and by their legal agents or organs to hold and enjoy the same after the same manner, and subject to the same rules and restrictions as natural persons are.

JAMES COOPER,

*Speaker of the House of Representatives.*

CH. GIBBONS,

*Speaker of the Senate.*

APPROVED—The ninth day of March, one thousand eight hundred and forty-seven.

FRS. R. SHUNK.

No. 393.

## A N A C T

To extend the charter of the Southwark Bank, in the county of Philadelphia.

Charter extended  
for ten years.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That the charter of the Southwark Bank, in the county of Philadelphia, shall be and the same is hereby extended and continued, for the purpose of transacting the business of banking, at any place within the district of Southwark, county of Philadelphia, for the term of ten years from the expiration of its present charter, with the capital stock as at present fixed by law, subject to all the provisions and restrictions that are imposed upon banking institutions of this commonwealth; and likewise to all the provisions and restrictions imposed upon the Western Bank of Philadelphia, by an act, entitled "An Act to extend the charter of the Western Bank of Philadelphia," approved the seventh day of April, eighteen hundred and forty-six.*

JAMES COOPER,

*Speaker of the House of Representatives.*

CH. GIBBONS,

*Speaker of the Senate.*

APPROVED—The tenth day of March, one thousand eight hundred and forty-seven.

FRS. R. SHUNK.

No. 394.

## A N A C T

To incorporate the Globe fire engine company of Kensington.

WHEREAS, A number of persons have associated themselves together Preamble.  
for the purpose of preserving property from the ravages of fire :

And whereas, The said persons, for the purpose of rendering their  
organization more efficient, are desirous of becoming incorporated ;  
therefore,

SECTION 1. *Be it enacted by the Senate and House of Representa-*  
*tives of the Commonwealth of Pennsylvania in General Assembly*  
*met, and it is hereby enacted by the authority of the same.* That  
the persons who constitute the Globe fire engine company of the Ken- Incorporators.  
sington district, in the county of Philadelphia, or who shall be here-  
after admitted members of the same, shall and are hereby declared to  
be a body politic and corporate, by the name, style, and title of the  
“Globe fire engine company of Kensington ;” and by the same name Style.  
shall have perpetual succession, and shall be able to sue and be sued, Privileges.  
implead and be impleaded in all courts of record, or elsewhere ; and  
also the said corporation and their successors, at all times hereafter, be  
able to purchase, receive, have, hold and enjoy to them and their  
successors, all, and all manner of lands, tenements, rents, annuities,  
liberties, franchises and other hereditaments, goods and chattels of what-  
soever nature, kind or quality, real, personal or mixed, or choses in  
action, and the same from time to time, sell, alien, grant, demise or  
dispose of: *Provided*, That the clear yearly value or income of the Proviso.  
said corporation, shall not exceed two thousand dollars ; and also to  
make and have a common seal, and the same to break and renew at  
pleasure ; and also to ordain, establish and put in execution such by-  
laws, ordinances and regulations as shall appear necessary and con-  
venient for the government of the said corporation, not being contrary  
to this charter, or the constitution and laws of the United States, or of  
this commonwealth ; and generally to do all and singular the matters  
and things which to them it shall lawfully appertain to do, for the well  
being of the said corporation, and the due management and ordering  
the affairs thereof.

SECTION 2. That the present officers of the company shall continue Present officers.  
in their respective stations until an election shall be made under this  
act ; and the rules, by-laws and ordinances now in force, not inconsis-  
tent with laws of this state, or of the United States, shall be valid until  
altered, amended or abrogated by the corporation.

SECTION 3. Nothing contained in this act, shall be deemed to author- Limitation of  
ize the said company to engage, either directly or indirectly, in any powers.  
banking, monied, commercial or manufacturing concern, or to act in  
any other way than a fire company.

SECTION 4. That the legislature reserves the power to alter, revoke Reservation.  
or annul the privileges and charter hereby granted, whenever, in their  
opinion, the same may be injurious to the citizens of the common-

wealth ; in such manner, however, that no injustice shall be done to the corporators.

JAMES COOPER,  
*Speaker of the House of Representatives.*  
CH. GIBBONS,  
*Speaker of the Senate.*

APPROVED—The ninth day of March, one thousand eight hundred and forty-seven.

FRS. R. SHUNK.

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No. 395.

A SUPPLEMENT

To an act authorizing the governor to incorporate the Muncy canal company, and to authorize the United States Bank to establish a branch at the town of Erie, passed the first day of April, Anno Domini, one thousand eight hundred and thirty-six.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the act to which this is a supplement, which expired by its limitation on the first day of April, Anno Domini one thousand eight hundred and forty-one, so far as it relates to the Muncy canal company, be and is hereby revived and declared to be in full force and effect, with all its powers and provisions, from and after the passage hereof: *Provided,* That the names of Charles Bodine, Simon Schuyler and James Risk, be substituted as three of the commissioners, instead of Francis Cole, Jacob Marker and Robert Risk, named in said act: *And provided,* That this act shall not be so construed, as to give to the said company the right to take possession of any private property by virtue of their charter, without making compensation to the owners thereof, or giving adequate security therefor.

Act revived.

Proviso.  
Commissioners appointed.  
Proviso.

JAMES COOPER,  
*Speaker of the House of Representatives,*  
CH. GIBBONS,  
*Speaker of the Senate.*

APPROVED—The thirteenth day of March, one thousand eight hundred and forty-seven.

FRS. R. SHUNK.



No. 396.

## A N A C T

Authorizing the governor to incorporate the Green Lane and Goshenhoppen turnpike road company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That for the purpose of making a turnpike road beginning at Green Lane, Purpose. (the termination of the Perkiomen and Sumneytown turnpike road,) in the township of Marlborough, in the county of Montgomery, and thence to Walter's mill, in the township of Upper Milford, in the county of Lehigh, Josiah Hillegass, Michael Reiter, Isaac Schultz, Jacob Hille- Commissioners. gass, Charles Gerhart, George Walter, Matthias Schultz, George Carl, Philip Super, Samuel Treichler, George Graver, George Krause, Jacob G. Hillegass, Samuel Nyer, William Schall, Jacob Snyder, Jacob Johnson, junior, William Reed, David Widener, Daniel Christman, Charles Hillegass, Andrew Krause, Aaron Schwenk, William Worrall, Henry Longaker, be and they are hereby appointed commissioners to do and perform the duties herein mentioned; that is to say, they shall procure a book or books, and therein enter as follows, viz: "We whose Form of subscrip- names who are hereunto subscribed, do promise to pay the president and managers of the Green Lane and Goshenhoppen turnpike road company, the sum of fifty dollars for every share of stock by us subscribed, in such manner and proportions, and at such times and places, as shall be determined on by the said president and managers, in pursuance of an act, entitled 'An Act authorizing the governor to incorporate the Green Lane and Goshenhoppen turnpike road company.' Witness our hand, the day of , Anno Domini one thousand eight hundred and ;" and shall give at least thirty days' notice in two or more newspapers published in Montgomery county, of the time and place, when and where the said books shall be opened to receive subscription of stock of the said com- Notice of the opening of books. pany, at which time and place two or more of said commissioners shall attend and receive subscriptions from all persons of lawful age, who in person or by attorney shall offer to subscribe in said books, which shall Who may sub- be kept open for the purpose aforesaid at least six hours in each juridical scribe. day, for the space of five days, or until the books shall have subscribed therein five hundred shares; and the said commissioners may adjourn from time to time, and transfer the books from place to place, until the whole number of shares shall be subscribed; of which adjournment and transfer the said commissioners shall give such notice as they may deem necessary: *Provided always,* That every person offering to Proviso. subscribe in the said books, in his name or in any other name, shall previously pay the sum of two dollars to the attending commissioners, for every share to be subscribed, out which shall be defrayed the expense attending the taking of such subscription, and other incidental charges, and the remainder shall be paid over to the treasurer of the corporation, as soon as the same shall be organized, and the officers chosen as hereinafter provided.

- SECTION 2.** That when twenty persons or more shall have subscribed one hundred or more shares of the said stock, the said commissioners, or a majority of them, shall certify, under their hands and seals, the names of the subscribers, and the number of shares subscribed by each, to the governor; and thereupon it may and shall be lawful for the governor, by letters patent, under his hand and seal of state, to create and erect the subscribers into one body politic and corporate, in deed and in law, by the name, style and title of "The Green Lane and Goshenhoppen turnpike road company;" and by the said name the said subscribers and their assignees shall have perpetual succession, and all the privileges and franchises incident to a corporation, and shall be capable of taking and holding their capital stock, and the increase and profits thereof, and of enlarging the same from time to time, by new subscriptions, and in such manner and form as they shall think proper, if such enlargement shall be found necessary to fulfil the intent of this act, and of purchasing, taking and holding to them and their successors and assigns, and of selling, transferring and conveying in fee simple or of any lesser estate, all such lands, tenements, hereditaments and estates, real and personal, as shall be necessary to them in the prosecution of their works, and of suing and being sued, and of doing all every other matter and thing which a corporation or body politic may lawfully do.
- Letters patent.**
- Style.**
- Privileges.**
- SECTION 3.** That the commissioners aforesaid, as soon as conveniently may be after the letters patent are obtained, shall give notice in two newspapers published in said county, of the time and place by them to be appointed, not less than two weeks' notice from the first publication of which time and place, the said subscribers shall proceed to organize the corporation, and choose by ballot, by a majority of the votes of the subscribers present, in person or by proxy duly authorized, one president, eight managers and one treasurer, and such other officers as may be necessary to conduct the affairs of the company until the second Monday of January next, and until other officers shall be chosen; and shall and may make such by-laws, rules and regulations not inconsistent with the constitution and laws of the United States, and of this commonwealth, as shall be necessary for the well ordering the affairs of said company: *Provided*, That each stockholder shall be entitled to one vote for every share of stock by him or her held, not exceeding five shares: *And provided also*, That no stockholder shall be entitled to vote at any election or meeting of said company, unless the instalments due and payable on the share or shares by him or her held at the time of such election or meeting, shall have been fully paid and discharged.
- Organization.**
- Proviso.**
- Proviso.**
- SECTION 4.** If any treasurer, elected by virtue of this act, should die, resign or refuse to act, or shall neglect to give security for the faithful discharge of the duties of his office, as the board of managers may direct and require, or given the security required, shall neglect or refuse to take upon him and perform all the duties of said office, it shall be the duty of the said managers for the time being, to appoint some suitable person treasurer, who shall hold the office until the next election by the stockholders, on his giving the security which may be required by the managers, and until a successor shall be duly elected and qualified.
- Treasurer to give security.**
- Vacancies, how supplied.**
- SECTION 5.** The stockholders of the said company shall meet on the second Monday in January in every year, at such place as shall be fixed by their by-laws, for the purpose of choosing officers for the ensuing year, in the manner aforesaid, and at such other times as they shall be notified by the managers, in such manner and form as shall be prescribed by their by-laws; at which annual or special meeting they shall have
- Annual meeting.**

full power to make, alter or repeal, by a majority of votes in manner aforesaid, all such by-laws, rules and regulations made as aforesaid, and to do and perform any other corporate act.

**SECTION 6.** The president and managers shall procure certificates, to be written or printed, and upon payment of the instalment due thereon, shall deliver one certificate, signed by the president and countersigned by the treasurer, and attested by the seal of the corporation, to each stockholder, for the number of shares held by him or her; which certificate shall be transferable at his, her or their pleasure, in person or by attorney duly authorized, in presence of the president or treasurer, on the book or books of the company; subject, however, to the payment of all instalments due and to become due thereon; and such transferee thenceforth shall be a member of the corporation.

**SECTION 7.** If any stockholder, whether original subscriber or assignee, after twenty days' notice in two newspapers published in said county, of the time and place appointed for the payment of any instalment or proportion of the capital stock, shall neglect or refuse to pay such proportion at the place appointed, for the space of thirty days after the time required for the payment thereof, every such stockholder shall, in addition to the instalment so called for, pay at the rate of two per centum per month, for the delay of such payment; and if the same and additional payments or penalties shall become equal to the sum before paid in part on account of such share or shares, the same may be forfeited by and to the said company, and may be sold by them for such price as may be obtained therefor; or in default of payment of any stockholder of such instalments for the space of sixty days, the president and managers may, at their election, cause suit to be brought in the same manner as debts of a like amount are recoverable, for the recovery of the same, together with the penalties aforesaid.

**SECTION 8.** It shall and may be lawful for the president and managers of said company, to lay out the route of the said road, beginning at the termination of the Perkiomen and Sumneytown turnpike road, in the township of Marlborough, in the county of Montgomery; and from thence by such route as shall appear to the said managers to be advisable, to such point as they shall select for its termination, at or near George Walter's mill, in the township of Upper Milford, in the county of Lehigh; and for this purpose it shall and may be lawful for the said president and managers, their superintendents, surveyors or engineers, artists, workmen and laborers, to enter in and upon the lands, tenements and enclosures, through and over which the said intended road may pass, or be laid out, to examine the ground and quarries of stone and gravel, and other materials that may be necessary in constructing said road, and to survey, ascertain, mark and fix the route of said road between the limits aforesaid, and to take and occupy for the bed of the said road, such public roads and bridges, not being the property of any other company.

**SECTION 9.** The said president and managers, their superintendents, engineers, artists and workmen, can lawfully cause a road to be laid out and opened, not less than thirty-three feet in width, nor more than fifty, unless the same would interfere with buildings or houses; and shall cause twenty feet thereof in breadth, at least, to be made an artificial road, which shall be bedded with stone, gravel, or other proper material, well compacted together, of such sufficient depth to secure a solid foundation for the same; and the said artificial road shall be faced with gravel or stone pounded, or other small hard substance, in such manner as to secure a firm, and as nearly as the nature of the country and the material will admit, an even surface, rising towards the middle

by a gradual arch, and so nearly level in its progress, as to not rise nor fall more than four degrees from a horizontal line, and shall forever thereafter maintain and keep the same in perfect order and repair.

Damages, how to  
be ascertained  
and paid.

SECTION 10. In case the said president and managers, and the owner or owners of land, tenement or enclosure, through which the said road may be laid out, cannot agree upon the compensation to such owner or owners, the same shall be determined by three disinterested freeholders, to be chosen by the parties; or if they cannot agree, to be appointed by a justice of the peace, who, before entering on their duties, shall take an oath or affirmation to perform their duties with fidelity, and in determining the amount of damages, shall take into consideration the advantages of the road; and the amount of such damages or compensation so assessed, shall be paid by said company, or adequate security therefor, to be approved of by the judges of the court of said county, for the payment thereof in one year, shall be given before the lands of such owner, shall be taken or occupied by said company; and if either party shall be dissatisfied with the assessment of damages made as aforesaid, in any case, it shall be lawful for such party to appeal from the award at the next court of common pleas, upon entering into security, and in such form as the court may direct; in which case the owner of the land shall be plaintiff, and the said company defendant; and the same thereon shall be proceeded in and tried in all respects, as an appeal from an award of arbitrators, and the costs shall abide the event of the appeal, in the same manner as in an appeal from an award of arbitrators: *Provided*, That in case of an appeal, either party, upon security being given as aforesaid, for the amount of compensation or damages assessed as aforesaid, it shall be lawful for the said president and managers, their superintendents, artists, laborers with horses, carts and wagons, tools and implements, to enter upon all such lands so assessed and secured, to make, construct, grade and finish said road, and do all other matters necessary for carrying out the objects of this act, as freely and as uninterruptedly, as if full compensation had been made for all such lands.

Proviso.

Governor to ap-  
point viewers.

SECTION 11. Whenever the said company shall have finished two miles or more of turnpike road, the president thereof may give notice to the governor, who shall thereupon forthwith appoint three skillful, judicious and disinterested persons, to view and examine the same, and to report, on oath or affirmation, to him whether the said road is so far executed in a workmanlike manner, according to the true intent and meaning of this act; and if their report shall be in the affirmative, then the governor shall, by license under his hand and seal of the state, permit said company to erect such and so many gates or turnpikes upon and across the said road, as will be necessary and sufficient to collect from all persons such tolls as are hereinafter authorized to be collected: *Provided*, That no toll shall be demanded from any person or persons passing or re-passing from one part of his or her farm, to any other part of the same, and all persons with their horses and vehicles, going directly to or from church, or to or from funerals, or riding in military procession.

Issue license to  
take toll.

Proviso.

Toll-gatherers.

Tolls.

SECTION 12. When the said road, or any part thereof, is completed from time to time, and approved as aforesaid, it shall and may be lawful for the company to appoint such and so many toll-gatherers as they shall think proper, to collect and receive of and from all and every person or persons using the said road, the tolls and rates hereinafter mentioned; that is to say, for every mile of said road, one cent; for every horse with a rider or leader, or carrying or hauling a burden, and for every mile of said road, two cents; for every horse hauling a pleasure

carriage or sleigh for the carriage of persons, and for every mile of said road passed, two cents ; for every horse of three or more horses, attached to a vehicle of burden, for every head of horned cattle, one cent for every five miles ; and for every sheep or swine, one cent for every ten miles, and proportionately for shorter distances ; and in case of carriages drawn in whole or in part, by oxen, two oxen shall be estimated as one horse ; and for all fractional parts of toll, not equal in value to any denomination of coin circulation, the said company may take and receive the next highest circulating denominations : *Provided*, Proviso. That the said company may, at their discretion, regulate the tolls so as to reduce them below the sums herein specified, and raise them again to the amount permitted by this act during such times and seasons, and with such discrimination, as the said company may think most expedient ; and the toll-gatherers may stop any horse or vehicle, carriage, mule, oxen, cattle, sheep or swine, from passing through any toll-gate, until the toll shall be paid.

**SECTION 13.** If any person or persons, riding in or driving any carriage of burden or pleasure as aforesaid, shall, with an intent to defraud the said company, or to evade the payment of any of the tolls or duties aforesaid, pass therewith through any private gate or bar, or along or over any private passage way, or along or over any other ground or land, near to or adjoining any turnpike or gate, which shall be erected in pursuance of this act ; or if any person or persons shall, with the intent aforesaid, take off, or cause to be taken off, any horse or other beast, or cattle of burden or draught, from any carriage of burden or pleasure, or shall practice any other fraudulent means or device, with the intent to evade the payment of any such toll or duty, every such person or persons shall, on conviction before any justice of the peace of the proper county, for every such offence, forfeit and pay to the president and managers of said company, any sum not exceeding twenty dollars, for the use of said company. Penalty for evading the payment of toll.

**SECTION 14.** If the said company shall neglect to keep the said road in good and perfect order and repair for the space of thirty days, and information thereof shall be given to any justice of the peace of the said counties, such justice shall issue a precept, to be directed to any constable, commanding him to summon three judicious freeholders to meet at a certain time in the said precept to be mentioned, at the place complained of in the said road, of which meeting notice shall be given to the keeper of the gate or turnpike nearest thereto ; and the said justice shall, at such time and place, by the oath or affirmations of the said freeholders, inquire whether the said road, or any part thereof, is in good order and repair as aforesaid, and shall cause an inquisition to be made under the hands and seals of himself and a majority of the said freeholders ; and if the said road shall be found, by the said inquisition, to be out of order and repair, he shall certify and send one copy of said inquisition to each of the keepers of the turnpikes or gates next to such defective place, and from thenceforth the tolls hereby granted to be collected at such turnpikes or gates, for the intermediate distance between them, shall cease to be demanded, paid or collected until the said defective part or parts of said road shall be put in good order and repair as aforesaid ; and if any of the keepers of the gates aforesaid shall take or attempt to exact tolls for the intermediate distance aforesaid, such keeper shall forfeit and pay, on conviction before any justice of the peace of said county, for the use of the person prosecuting for the same, the sum of five dollars ; but if the same shall not be put in good order and repair before the next ensuing court of quarter sessions of said county, the said justice shall certify and send a copy of said Road to be kept in good repair. Proceedings in case of neglect.

Proviso.

inquisition to the judges of the said court; and the court shall thereupon direct a bill of indictment to be sent to the grand inquest against the president and managers of said company, and, upon conviction, shall give such judgment as the said court, in their discretion, shall judge proper: *Provided*, That the fine, in no instance, shall be less than five dollars, nor more than fifty dollars; and the fines so to be imposed, shall be recoverable in the same manner as fines for misdemeanors are usually recovered in the said county, and shall be paid to the supervisors of the highways of the place or township where such offence was committed, to be applied to repairing the highways in such township.

Penalty on ex-tortion.

SECTION 15. If any toll-gatherer shall demand and receive toll for a greater distance than the person from whom such toll is demanded shall have actually traveled along said turnpike road, or may actually travel between any turnpike gates thereon, or shall demand or receive a greater toll than he is authorized to receive by this act, such toll-gatherer shall, upon conviction thereof before any justice of the peace of said county, forfeit and pay the sum of ten dollars for every such offence, to the use of the directors of the poor of said county.

Place mile stones on the road.

SECTION 16. The said company shall cause mile-stones to be placed on the side of the said turnpike road, beginning at the distance of one mile from termination of the Perkiomen and Sumneytown turnpike road aforesaid, on which mile-stones shall be marked, in plain and legible characters, the respective number of miles which each stone is distance from the city of Philadelphia; and at every gate or turnpike by them erected on the said road, shall cause the distance from the point of beginning to the point of termination of the said Green Lane and Goshenhoppen turnpike road, to be marked, in legible characters, on the said gates, or some other conspicuous place near thereto; and shall also cause to be fixed at such place, a printed list of the rates of toll which, from time to time, may be lawfully demanded, for the information of travelers and others using said road.

Wilful injuries punishable.

SECTION 17. If any person or persons shall wilfully break, deface, pull up or prostrate any mile-stone which shall be placed in pursuance of this act on the side of said road, or shall obliterate the letters or figures inscribed thereon, or shall destroy, deface or obliterate the letters, figures or other characters marked thereon, or at any turnpike gate, he or they so offending shall, on conviction before a justice of the peace of the said county, for every such offence, severally and respectively pay to the said company ten dollars.

Travel regulated.

SECTION 18. The drivers of all wagons and carriages of all kinds, using the said road, shall, except when overtaken, keep their horses on the right hand side of the said road, in the passing direction, leaving the other side of said road free and clear for other carriages to pass and re-pass; and if any wagoner or driver shall offend against this provision, he shall, on conviction, forfeit and pay any sum not exceeding fifteen dollars, to any person who will sue before any justice of the peace of the said county, to be recovered with costs of suit.

Suits.

SECTION 19. No suit shall be brought for any penalty incurred under this act, unless such suit shall be commenced within three months after the offence; and the defendant in such suit may plead the general issue, and give this act and the special matter in evidence, and that the same was done in pursuance and by authority of this act.

Accounts.

SECTION 20. The president and managers of said company shall keep fair and just accounts of all moneys which may be received or paid by them, or expended in the prosecution of their said works; and

shall, at least once every year, submit such account to a general meeting of the stockholders.

SECTION 21. As soon as the annual profits of the said road shall enable them to make a dividend, the president and managers shall, on the first Monday in March, in each and every year, declare a dividend of the clear profits among the stockholders, and give notice of the time and place when and where the same will be paid. Dividends.

SECTION 22. That the supervisor of the highways of the township of Upper Hanover, through which the said turnpike road shall pass, shall subscribe and take of said turnpike stock an amount not exceeding three thousand dollars, the said amount to be determined by a vote of the citizens of said township, at an election to be held for said purpose at the public house of Josiah Hillegas, in said township, on the first Monday in May, or the second Monday in September, between the hours of ten o'clock, A. M., and six o'clock, P. M.; the supervisors of said township shall be judges, and hold said election open between the hours aforesaid, and make return thereof, under oath or affirmation, to the nearest justice of the peace in said township. Supervisors may subscribe. Amount to be determined by vote. Dividends to the shares subscribed or held by said township, to be paid by the supervisor of the township, in the same manner and proportion as they are paid to individual stockholders. Said township so subscribing, the supervisor thereof shall represent said stock in the same manner provided in the bill for individual stockholders; and said township of Upper Hanover is hereby authorized and empowered to borrow money to pay instalments on the stock so subscribed, and to issue certificates for the same, bearing an interest not exceeding six per cent. per annum, and payable at any time not exceeding ten years; which certificates shall be binding on the said township.

JAMES COOPER,

*Speaker of the House of Representatives.*

CH. GIBBONS,

*Speaker of the Senate.*

APPROVED—The thirteenth day of March, one thousand eight hundred and forty-seven.

FRS. R. SHUNK.

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No. 397.

## A N A C T

To incorporate the Sons of Temperance hall association of the city and county of Philadelphia, and relative to the public grounds.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same.* That Robert D. Morris, Joseph Evans, Henry York, Thomas Watson, John Stillman, Benjamin N. Lewis, Manly Rowe, Joseph W. Martin, Leonard Jewell, J. M. Rowe, Samel J. Pickands, Isaac H. O'Harra, Edward G. Mallely, Daniel M'Kinley, Nathan M'Kinley, William Watt, Incorporators.



Name.	Wallace Morrell, C. A. Walborn, Thomas N. Penrose, Benjamin Huckle, Oliver P. Cornman and John C. Sims, and their successors, and all persons who are now or may be hereafter associated with them, be and they are hereby created and erected into a body politic and corporate, in deed and in law, by the name, style and title of the Sons of Temperance hall association of the city and county of Philadelphia;
Privileges.	and by that name shall have perpetual succession, and be able to sue and be sued, plead and be impleaded in any court of law or equity and elsewhere; and shall be able and capable in law and equity to take and hold, to them and their successors, either by grant, gift, devise or lease, any lands or real estate, for the purpose of erecting thereon a suitable building or buildings for the use of said association; and also to take and hold, for the use of the said association, any goods and chattels, sum or sums of money, by gift, grant, bargain, sale, will, devise or bequest from any person or persons whatsoever, capable of making the same, and the same at their pleasure to grant, bargain and sell, for the use of the said association; and generally to do all and singular the matters and things which shall be lawful for them to do, for the well being and due management of the affairs of the said association: <i>Provided</i> , That the real estate of which the said corporation shall be at any time possessed, shall not exceed the clear yearly value of seventy-five thousand dollars.
Proviso.	
Object.	SECTION 2. The object of the said corporation shall be to build, erect or purchase, provide and furnish a hall or suitable building or buildings, in the city and county of Philadelphia, for the accommodation of the various divisions of the order of the Sons of Temperance, established or to be established there, and also for a library and reading room.
Seal.	SECTION 3. It shall and may be lawful for the said corporation to have a common seal, and the same at will and pleasure to change, alter and renew as they shall think proper; and shall have and exercise all the rights, privileges and immunities necessary for the purposes of the corporation hereby constituted, and as herein expressed.
Board of trustees.	SECTION 4. The government of the said corporation, and the management and disposition of its affairs and property, shall be vested in a board of trustees, who shall be elected annually, at such time, and in such manner as the said association shall by its by-laws provide; at the first meeting of the trustees after their election, in each year, they shall elect from their body a president, secretary and treasurer.
By-laws.	SECTION 5. The corporation shall have power and authority to make by-laws conformable to this charter, and not in violation of the laws of the United States or of this commonwealth.
Reservation.	SECTION 6. The legislature reserves the right to alter, revoke or annul the charter of the said the Sons of Temperance hall association of the city and county of Philadelphia, whenever in their opinion it may be injurious to the citizens of this commonwealth; in such manner, however, that no injustice shall be done to the corporators thereof.
Penalty for occupying public ground at Harrisburg for exhibitions.	SECTION 7. <i>Be it further enacted</i> , That from and after the passage of this act, it shall not be lawful for any person or persons to occupy any portion of the public ground granted to the commonwealth by John Harris, deceased, being in front and around the state arsenal, for any public exhibitions, such as that of a circus, a theatre, menagerie or any other exhibition whatever, under the penalty of two hundred dollars, to be sued for and recovered in the name of the commonwealth, for the uses hereinafter directed.
Proceedings to recover penalty.	SECTION 8. That whenever any person or persons shall offend against or violate the provisions of the foregoing section, it shall and may be lawful for any individual to give information thereof to any justice of the peace in and for the borough of Harrisburg, whose duty it shall be



to cause the person or persons so offending, to be arrested and brought before him, and after a hearing of the case, if satisfied of the truth of the complaint, he shall enter judgment for the amount of the aforesaid penalty, and forthwith issue an execution directed to any constable of the said borough, commanding him to make the amount of said judgment and costs out of any property owned or possessed by any person or persons so offending: *Provided*, That one-half of said penalty shall go to the Proviso. use of the informer, and the other half to the use of the common schools of said borough.

JAMES COOPER,

*Speaker of the House of Representatives.*

WM. WILLIAMSON

*Speaker of the Senate.*

APPROVED—The sixteenth day of March, one thousand eight hundred and forty-seven.

FRS. R. SHUNK.

No. 398.

## AN ACT

To annul the marriage contract between Samuel K. Austin and Susan, his wife.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That the marriage contract entered into between Samuel K. Austin, late of the county of Luzerne, and Susan, his wife, be and the same is hereby declared null and void, and the parties discharged from all the obligations and liabilities growing out of the same, as fully and absolutely, as if they had never been joined in marriage.*

JAMES COOPER,

*Speaker of the House of Representatives.*

CH. GIBBONS,

*Speaker of the Senate.*

I do certify, that the bill, entitled “An Act to annul the marriage contract between Samuel K. Austin and Susan, his wife,” passed on the third day of February, Anno Domini one thousand eight hundred and forty-seven, which has been disapproved by the governor, and returned with his objections, to the senate, in which it originated, was approved by two-thirds of the senate, agreeably to the constitution, on the sixteenth day of March, Anno Domini one thousand eight hundred and forty-seven, and that the foregoing is the act so approved by the senate.

WM. WILLIAMSON,

*Speaker of the Senate.*

ATTEST:—GEO. W. HAMERSLY,  
*Clerk of the Senate.*

I do hereby certify, that the bill, entitled "An Act to annul the marriage contract between Samuel K. Austin and Susan, his wife," passed on the eleventh day of March, Anno Domini one thousand eight hundred and forty-seven, which has been disapproved by the governor, and returned with his objections, to the senate, in which it originated, was agreed to by two-thirds of the house of representatives, on the sixteenth day of March, one thousand eight hundred and forty-seven, and that the foregoing is the act so agreed to by the said house.

JAMES COOPER,  
*Speaker of the House of Representatives.*

ATTEST:—D. FLEMING,  
*Clerk of the House of Representatives.*

[1848.]

No. 381.

## AN ACT

To incorporate the president, managers and company of the Litiz, Shaefferstown and Womelsdorf turnpike road company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* John Bricker, Elias Eby, Peter Martin, Esq., Christian Bentz, Jacob B. Tshudy, Christian H. Rauch, John Beek, J. G. Greider, Jacob Reist, Samuel Frey, Robert Coleman, and J. W. Christ, of Lancaster county; William M. Weigely, Allen P. Hibshman, Esq., doctor Jonathan Zerbe, John Bollman, George F. Miller, Esq., Samuel Becker, Esq., John Zimmerman, senior, George Zimmerman, Henry H. Misimer, Henry H. Manderboch, John Stump, and Jonathan Illig, of Lebanon county; and William H. Seibert, Emanuel Shultz, Michael Seltzer, John Manderboch, doctor William Moore, David Renno, Jacob Tice, Esq., Conrod Class, Jacob Reifschneider, Daniel Sohl, James Livergood, George Keyser, and Charles Adams, John Sheetz, Esq., and John Sohl, of Berks county, are hereby appointed commissioners, to do and perform the several things hereinafter mentioned; that is to say, they shall on or before the first day of July next, procure three books, and in each of them enter as follows: "We whose names are hereunto subscribed, do promise to pay the president and managers of the Litiz, Schaefferstown and Womelsdorf turnpike road company, the sum of twenty-five dollars for every share of stock set opposite to our respective names, in such manner and proportions, and at such times as shall be determined by the president and managers of said company, in pursuance of an act of the general assembly of this

Commissioners.

Duties.

Form of subscription.

commonwealth, entitled 'An Act to incorporate the president and managers of the Litiz, Schaefferstown and Womelsdorf turnpike road company.' Witness our hands the \_\_\_\_\_ day of \_\_\_\_\_

\_\_\_\_\_, in the year of our Lord one thousand eight hundred and forty-eight;" and thereupon shall give notice in three or more public papers, one of them printed in Lancaster county, one in Lebanon county, and one in Berks county, for twenty days at least, of the time and places, when and where the said books shall be opened to receive subscriptions for the stock of said company, at which time and place one of the said commissioners shall attend, and permit and suffer all persons of lawful age who shall offer to subscribe in said books, in their own names, or in the names of any other person who shall duly authorize the same, for any number of shares of stock; and the said books shall be kept open respectively for the purpose aforesaid, at least six hours in every juridical day, for the space of ten days, or until the said books shall have two thousand shares therein subscribed; and if at the expiration of the said ten days, the books aforesaid shall not have the said number of two thousand shares therein subscribed, the commissioners respectively may adjourn from time to time, and transfer the books from place to place, until the whole number of shares shall be subscribed, of which adjournment and transfer, the commissioners aforesaid shall give such public notice as the occasion may require; and when the whole number of shares subscribed shall amount to two thousand, the same shall be closed: *Provided always*, That every person offering to subscribe in said books, in his own or any other name, shall previously pay to the attending commissioner or commissioners, the sum of three dollars in part payment, for every share to be subscribed, out of which shall be defrayed such incidental charges and expenses, as may be necessary for taking such subscription, and the remainder shall be paid to the treasurer of the corporation, as soon as the same shall be organized, and the officers chosen as hereinafter mentioned.

**SECTION 2.** When fifteen persons or more shall have subscribed five hundred shares of the said stock, the said commissioners respectively may, or when the whole number of shares aforesaid shall be subscribed, they shall certify, under their hands and seals, the names of the subscribers, and the number of shares subscribed by each, to the governor of this commonwealth; whereupon it shall and may be lawful for the governor by letters patent, under his hand and seal of state, to create and erect the subscribers, and if the subscription be not full at the time, then those who shall afterwards subscribe to the number aforesaid, into one body politic and corporate, in deed and in law, by the name, style and title, of "The president and managers of the Litiz, Schaefferstown and Womelsdorf turnpike road company;" and by the said name, the said subscribers shall have perpetual succession, and all privileges and franchises incident to a corporation; and shall be capable of taking and holding the capital stock, and the increase and profits thereof, and of enlarging the same by new subscription, in such manner and form as they shall think proper, if such enlargement shall be found necessary to fulfil the intent of this act; and of purchasing, taking and holding, to them and their successors and assigns, and of selling, transferring and conveying in fee simple, or for any less estate, all such lands, tenements and hereditaments and estate, real and personal, as shall be necessary to them in the prosecution of their works, and of suing and being sued, and of doing all and every other matter and thing which a corporation or body politic may lawfully do.

**SECTION 3.** That the commissioners aforesaid, as soon as conveniently

Organization and election of officers.	may be after the said letters shall be sealed and obtained, shall give notice by three or more public papers printed in the counties of Lancaster, Lebanon and Berks, of the time and place by them to be appointed, not less than fifteen days from the publication of the first notice, at which time and place the said subscribers shall proceed to organize the said corporation, and shall choose by a majority of votes of the subscribers by ballot, to be delivered in person or by proxy duly authorized, one president, seven managers and one treasurer, and such other officers as may be necessary to conduct the business of said company, until the first Monday of November next, and until such other officers shall be chosen; and shall and may make such by-laws, orders and regulations not inconsistent with the constitution and laws of the United States, and of this commonwealth, as shall be necessary for the well ordering the affairs of said company: <i>Provided always</i> , That no person shall have more than twelve votes at any election, or in determining any question arising at such meeting, whatever number of shares he may be entitled to; and that each person shall be entitled to one vote for every share held by him under that number: <i>And provided also</i> , That no stockholder, whether the original subscriber or assignee, shall be entitled to vote at any after the first election or meeting of said company, unless the whole sum due and payable on the share or shares by him or her held at the time of such election, shall have been fully paid and discharged.
Proviso. Votes.	
Proviso.	
Annual meeting. Powers.	SECTION 4. The stockholders of the said company shall meet on the first Monday of November in every year, at such place as shall be fixed by their by-laws, for the purpose of choosing such other officers as aforesaid, for the ensuing year, in manner and form as shall be determined by their by-laws, at which annual or special meeting they shall have full power and authority to make, alter or repeal by a majority of votes in manner as aforesaid, all such by-laws, rules, orders and regulations made as aforesaid, and to do and perform any other corporate act.
Certificates of stock.	SECTION 5. The said president and managers shall make out certificates of stock, signed by the president, and countersigned by the treasurer, and sealed with their corporate seal, and deliver one certificate to each subscriber for any share or number of shares by him or her held, on him or her paying to the treasurer on each share so held, the sum of three dollars for the use of the company; which certificate shall be transferable in person, or by attorney, on the books of said company, only subject to the sum due, or to become due, on his or her share or shares so transferred.
Transferable.	
Enter upon lands.	SECTION 6. It shall be lawful for the said president and managers, their superintendents, surveyors, engineers, artists and chain bearers, to enter in and upon all and every the lands, tenements and enclosures, in, through, and over which the said intended turnpike road may be thought proper to pass; and for that purpose to examine the ground and quarries of stone and gravel, and other materials that may be necessary in making and constructing the said road, and to cut or open such drains through the same, as they shall judge necessary, to drain the water from the turnpike road, with the same rights, and under the same penalties, as the supervisors of highways; the said road shall commence at the termination of the Lancaster and Litiz turnpike road company, at the town of Litiz, in the county of Lancaster, thence the nearest and best route via. Shaefferstown, Lebanon county, to the Berks and Dauphin turnpike, in the borough of Womelsdorff, in Berks county.
Location.	
Quorum.	SECTION 7. The said president and managers, five of whom shall, for that purpose, be a quorum, shall keep minutes of all their proceed-

ings, fairly entered in a book to be kept for that purpose, and shall have Powers and do- full power and authority to appoint, agree and contract with such en- ties of board. gineers, superintendents, artists, laborers and other persons, as they may think necessary to make and construct said road, and collect the tolls hereinafter authorized, and fix their compensation; to ascertain the times, manner and proportions in which the stockholders shall pay the amount of their respective shares, in order to carry on their work; to draw orders on the treasurer for all debts contracted by them, which orders shall be signed by the president, or in his absence, by a majority of the managers, and attested by their secretary; and to do and transact all other acts, matters or things, as by the by-laws, orders and regulations of the said company, shall be entrusted to them.

SECTION 8. If any stockholder, whether original subscriber or as- Payment of in- stalments. signee, after twenty days' notice in not less than three newspapers, one printed in Lancaster county, one in Lebanon and one in Berks county, of the time and place appointed for the payment of any instalment or proportion of the capital stock, shall neglect to pay such proportion at the place appointed, for the space of thirty days after the time appointed for the payment thereof, any such stockholder shall, in addition to the instalment so called for, pay at the rate of two per centum per month, for every delay of such payment; and if the same and additional penalty shall become equal to the sum before paid in part, on account of such share, the same may be forfeited by and to the said company, and may be sold by them for such price as may be obtained therefor; or in default of payment of any stockholders of such instalments as aforesaid, for the space of sixty days aforesaid, the president and managers may, at their election, cause suit to be brought, in the same manner as debts of a like amount are now recoverable, for the recovery of the same, together with the penalties aforesaid.

SECTION 9. It may be lawful for the said president and managers, by Enter upon and with their superintendents, engineers, artists, workmen, laborers, lands. their tools and instruments, carts, wagons, and other carriages and beasts of draught or burden, to enter in and upon the lands contiguous and near to which the said road shall be made or constructed, first Payment of dam- giving notice of their intentions to the occupiers thereof, and doing as ages regulated. little damage thereto as possible, and making amends for damages upon a reasonable and equitable agreement by the parties, or if they cannot agree thereupon, a just and equitable assessment to be made upon oath or affirmation by three disinterested freeholders, or any two of them, to be equally chosen; or if either party, upon due notice, shall neglect or refuse to join in the choice, then to be chosen by a justice of the peace of the county wherein the land lies, who shall not be interested therein; and upon the tender of the assessed value to dig and carry away any timber, stone, sand, earth or other materials necessary or suitable for making said road: *Provided*, That no part of this act shall authorize Proviso. the taking of any property by said company, unless the same be previously paid for, or adequate security given to the owners for the payment thereof.

SECTION 10. The said president and managers shall keep fair and Accounts. just accounts, as well of all moneys received by them, as of those paid out and expended in the prosecution of the work, and shall, at least once in every year, submit their books and accounts to a general meeting of the stockholders; and whenever it shall be ascertained that the capital stock of the said company is not sufficient to complete the said road, according to the true intent and meaning of this act, it shall and may be lawful for the president and managers, at a stated or special meeting convened according to the provisions of this act, or their own

Increase shares. by-laws, to increase the number of shares to such an extent as they shall deem sufficient to accomplish the work, and to demand and receive the moneys subscribed for such additional shares, in like manner and under like penalties, as are provided by this act in the case of the original subscriptions.

Power to erect bridge. SECTION 11. The said president and managers shall have power to erect good and sufficient bridges over all the streams of water crossed by said route, whenever the same shall be found necessary ; and shall

Width and construction of road. cause a road to be laid out not exceeding fifty feet in width, and cause at least eighteen feet of said width to be made an artificial road of wood, stone, gravel or other proper and convenient materials, such as the nature of the ground may require and will afford, to be constructed in such manner as will admit an even surface, and so nearly level in its progress, that it shall in no place raise or fall more than will form an angle of five degrees from a horizontal line : *Provided*, That if, in the opinion of the said president and managers, any part of the ground on the route of said road shall be so hard and compact, as to make a good road without any covering of wood, gravel, stone, slate or other hard substance, the said president and managers are hereby authorized to construct such part of said road without any such covering, and shall

Proviso. forever maintain and keep the same in good repair : *Provided*, That in all deep cuts or embankments, the said road need not be of greater width on the surface, than thirty feet.

Proviso.

Court to appoint viewers. SECTION 12. Whenever the said company shall have finished five miles or more of road, the president thereof may give notice to the court of quarter sessions of either Lebanon, Lancaster or Berks county, who shall appoint forthwith three skillful, judicious and disinterested persons to view and examine the same, and report on oath or affirmation to said court, whether the said road is so far executed in a competent and workmanlike manner, according to the true intent and meaning of this act ; and if this report shall be in the affirmative, it shall be transmitted to the said court by which the appointment was made, and by the said court to the governor ; then the governor shall, by license under his hand and the seal of the state, permit and suffer said company to erect and fix such, and so many gates or turnpikes upon and across the said road, as will be necessary and sufficient to collect from all persons, otherwise than on foot, the same tolls as hereinafter authorized and granted.

Governor to grant license to take toll.

Toll-gatherers. SECTION 13. When the said company is licensed in manner aforesaid, it shall and may be lawful for them to appoint such and so many toll-gatherers as they shall think proper to collect and receive of and from all and every person or persons using the said road, the toll and rates hereinafter mentioned, and to stop any person riding, leading or driving any horses, cattle, hogs, sheep, coach, coachees, sulkey, chair, chaise, phaeton, cart, wagon, wain, sleigh, sled, or any other carriage of burden or pleasure, from passing through the said turnpike, until they shall respectively have paid the same ; that is to say, for every five miles in length of the said road completed and licensed as aforesaid, the following sums of money, and so in proportion for any lesser distance, or for any greater or lesser number of sheep, hogs or cattle, to wit: For every score of hogs, six cents ; for every score of sheep, six cents ; for every score of cattle, twelve cents ; for every horse and his rider, or led horse, five cents ; for every sulkey, chair or chaise, with one horse and two wheels, eight cents ; with two horses, ten cents ; for every chariot, coach, phaeton or dearborn, with one horse and four wheels, ten cents ; for every coach, phaeton or chaise, with two horses, and four wheels, fifteen cents ; for either of the car-

Tolls.

riages last mentioned, with four horses, twenty-five cents ; and for every other carriage of pleasure, under whatever name it may go, the like sums according to the number of wheels and horses drawing the same ; for every stage wagon, with four horses, twenty cents ; for every sleigh, six cents for each horse drawing the same ; and for every sled, five cents for each horse drawing the same ; for every cart or wagon whose wheels shall not exceed four inches, six and a quarter cents for each horse drawing the same ; and for every cart or wagon whose wheels shall be four inches, and not exceeding seven inches, four cents for every horse drawing the same ; for every cart or wagon, the breadth of whose wheels shall be more than seven inches, three cents for every horse drawing the same ; and if any person or persons shall represent to the said company, or any of their officers, that he, she or they have traveled a less distance than he, she or they have actually traveled along said road, with intent to defraud said company of its toll, or any part thereof, such person or persons shall, for every such offence, forfeit and pay to the use of said company, the sum of five dollars ; and if any toll-gatherer shall demand and receive toll for a greater distance than the person of whom such toll is demanded shall have traveled along said turnpike road, or shall demand and receive greater toll from any person or persons than such toll-gatherer is authorized to demand and receive by virtue of this act, such toll-gatherer shall forfeit and pay the sum of five dollars for every such offence, to the supervisors of the township in which the forfeiture is incurred, to be expended in repairing township roads, and for the payment of which the said company shall be responsible: *Provided*, That no toll shall be demanded from any person or persons passing or re-passing from one part of his, her or their farm to any other part of the same ; and all persons, with their vehicles or horses, going to or from funerals, or places of public worship, or of military trainings, or elections, shall be exempt from the payment of toll when traveling on the said turnpike road.

**SECTION 15.** If the said company shall neglect to keep the said road in good traveling order and repair for the space of thirty days, and information thereof shall be given to any justice of the peace of the neighborhood, within the county where the repairs ought to be made, such justice shall issue a precept, to be directed to any constable, commanding him to summon three disinterested persons to meet at a certain time in said precept to be mentioned, at the place in said road which shall be complained of; and of which meeting notice shall be given to the keeper of the gate or turnpike nearest thereto, within the said county ; and the said justice shall, at such time and place, on the oaths or affirmations of the said persons, inquire whether the said road, or any part thereof, is in such good traveling order and repair, as aforesaid, and shall cause an inquisition to be made, under the hands of himself and a majority of the said persons ; and if the said road shall be found, by the said inquisition, to be out of order and repair, contrary to the true intent and meaning of this act, the said justice shall certify, and send one copy of the said inquisition to each of the keepers of the turnpike or gates between which such defective place shall be ; and from thenceforth the tolls hereby granted to be collected at such turnpike or gates shall cease to be demanded, paid or collected, until the said defective part or parts of the said road shall be put in good repair and traveling order as aforesaid ; and if the same shall not be so put in good traveling order and repair before the next general court of quarter sessions of the peace, to be held for the county in which the defect is proved to be, the aforesaid justice shall certify and send a copy of the inquisition aforesaid to the judges of the said court ; and the said

Penalty for violation.

Proviso.

Proceedings to keep the road in good order and repair.

judges shall thereupon cause process to issue, and bring in the body or bodies of the person or persons entrusted by the company with the care and superintendence of such part of the said road as shall be so found defective, and shall proceed thereon as in cases of supervisors of highways, for neglect of their duty; and if the persons entrusted by the said company as aforesaid, shall be convicted of the offence by the said inquisition charged, the said court shall give judgment according to the nature and aggravation of the neglect, as according to right and justice would be proper in the case of supervisors of the highways neglecting their duties; and the fines and penalties so to be imposed shall be recovered in the said court, and shall be paid to the supervisors of the highways of the township wherein the offence was committed, to be applied to repairing the public roads within such township.

Penalty for evading the payment of tolls.

SECTION 16. If any person or persons whosoever, owning, riding in or driving any sulkey, chair, chaise, phaeton, cart, wagon, sleigh, sled or other carriage of burden or pleasure, riding or leading any horse, mule or gelding, or driving any hogs, sheep or other cattle, shall therewith pass through any private gates or bars, or along or over any private passage way or other ground near to or adjoining any turnpike or gate erected, or which shall be erected in pursuance of this act, with an intent to defraud the company, and avoid the payment of the toll or duty for passing through any such gate or turnpike; or if any person or persons shall, with such intent, take off, or cause to be taken off, any horse, mare or gelding, or other cattle, from any sulkey, chair, chaise, phaeton, cart, wagon, sleigh, sled or other carriage of burden or pleasure, or practice any other fraudulent means or device, with the intent that the payment of any such toll or duty may be evaded or lessened, all and every person or persons, in all or every or any of the ways or manners offending, shall, for every such offence respectively, forfeit and pay to the president and managers of the Litiz, Schaeffers-town and Womelsdorff turnpike road, any sum not exceeding ten dollars, to be sued for and recovered, with costs of suit, before any justice of the peace, in like manner, and subject to the same rules and regulations as debts of a similar amount are by law sued for and recovered.

Limitation of powers.

SECTION 17. If the said company shall not proceed to carry on the said work within five years after the passage of this act, or shall not within six years afterwards, complete the same according to the true intent and meaning of this act, then, or in either of those cases, all and singular the rights, liberties, privileges and franchises hereby granted, shall revert to this commonwealth.

Rates of toll may be altered.

SECTION 18. That the legislature shall have power to alter the rate of toll fixed by this act, and the managers of said company may lessen the same, whenever they shall believe it necessary for the well being of the company or the community at large.

Reservation.

SECTION 19. That the legislature hereby reserve the right to alter, amend or repeal the charter and privileges hereby granted, whenever, in their opinion, the same may be injurious to the citizens of this commonwealth; in such manner, however, that no injustice shall be done to the corporators.

WILLIAM F. PACKER,

*Speaker of the House of Representatives.*

WM. F. JOHNSTON,

*Speaker of the Senate.*

APPROVED—The eleventh day of April, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.



No. 382.

## AN ACT

To incorporate the president and managers of the Morrison Cove turnpike company, and to change the time of holding the courts in Blair county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That doctor John Getty, John M'Kiernan, Henry Shoemaker, John M'Kee, Commissioners. George B. Spang, Edward H. Lytle and John Skyles, of the county of Blair, be and are hereby appointed commissioners to do and perform the several things hereinafter mentioned; that is to say, they shall on or before the first day of May next, procure two books, and in each of them enter as follows: "We whose names are herenunto subscribed, do Form of subscription. promise to pay the president and managers of the Morrison Cove turnpike road company, the sum of twenty-five dollars for every share of stock set opposite to our respective names, in such manner and proportions, and at such times, as shall be determined by the president and managers of said company, in pursuance of an act of the general assembly of this commonwealth, entitled 'An Act to incorporate the president and managers of the Morrison's Cove turnpike road company.' Witness our hands, the                      day of                      , in the year of our Lord one thousand eight hundred and forty-eight;" and thereupon notice shall be given in two or more of the public papers Notice of opening books. printed in the county of Blair, for twenty days at least, of the time and places when and where the said books shall be opened to receive subscriptions for the stock of said company; at which time and places one of said commissioners shall attend, and permit and suffer all persons of lawful age who shall offer to subscribe in said books, in their own Who may subscribe. names or in the name or names of any other persons who shall duly authorize the same, for any number of shares of stock; and the said books shall be kept open respectively for the purpose aforesaid, at least six hours in every juridical day, for the space of six days, or until the said books shall have six hundred shares therein subscribed; and if at the expiration of the said six days, the books aforesaid shall not have the said number of six hundred shares subscribed therein, the commissioners respectively may adjourn from time to time, and transfer the said books from place to place, until the whole number of shares shall be subscribed, of which adjournment and transfer the commissioners aforesaid shall give such public notice as the occasion may require; and Number of shares. when the whole number of shares subscribed shall amount to six hundred shares, the same shall be closed: *Provided always,* That every Proviso. person offering to subscribe in said books, in his own or any other name, shall previously pay to the attending commissioner or commissioners, the sum of one dollar for every share to be subscribed, out of which shall be defrayed the expenses and incidental charges, and the remainder shall be paid over to the treasurer of the corporation, as soon as the same shall be organized, and the officers chosen as hereafter mentioned.

SECTION 2. When twenty persons or more shall have subscribed one hundred shares of the stock, the said commissioners respectively, or when the whole number of shares aforesaid shall be subscribed, they

Letters patent.	shall certify, under their hands and seals, the names of the subscribers, and the number of shares subscribed by each, to the governor of this commonwealth; whereupon it shall be lawful for the governor, by letters patent, under his hand and seal of state, to create and erect the subscribers, and if the subscription be not full at the time, then also those who shall afterwards subscribe to the number aforesaid, into one body politic and corporate, in deed and in law, by the name, style and title of "The president and managers of the Morrison's Cove turnpike road company;" and by the said name the said subscribers shall have perpetual succession, and all privileges and franchises incident to a corporation, and shall be capable of taking and holding the capital stock, and increase and profits thereof, and of enlarging the same from time to time, by new subscriptions, in such manner and form as they shall think proper, if such enlargement shall be found necessary to fulfil the intent of this act, and of purchasing, taking and holding, to them, their successors and assigns, and of selling, transferring and conveying, in fee simple or for any less estate, all such lands, tenements, hereditaments and estates, real and personal, as shall be necessary to them in the prosecution of their works, and of suing and being sued, and of doing all and every other matter and thing which a corporation or body politic may lawfully do.
Style.	
Privileges.	
Organization and election.	SECTION 3. The commissioners aforesaid, as soon as conveniently may be after the said letters patent shall be sealed and obtained, shall give public notice in two or more newspapers printed in the county of Blair, of a time and place by them to be appointed, not less than twenty days from the publication of the first notice, at which time and place the said subscribers shall proceed to organize the said corporation, and choose, by a majority of votes of the subscribers, by ballot, to be delivered in person or by proxy duly authorized, one person for president, seven managers, one treasurer, and such other officers as may be necessary to conduct the business of said company until the first Monday in October next, and until such other officers shall be chosen, and shall and may make such by-laws, orders and regulations not inconsistent with the constitution and laws of the United States, and of this commonwealth, as shall be necessary for the well ordering of the affairs of said company: <i>Provided always</i> , That no person shall have more than twelve votes at any election, in determining any question arising at such meeting, whatever number of shares he may be entitled to, and that each person shall be entitled to one vote for every share held by him under that number.
Proviso.	
Votes.	
Annual meeting.	SECTION 4. The said company shall meet on the first Monday of May in every year, at such place as shall be fixed by their by-laws, for the purpose of choosing such other officers as aforesaid for the ensuing year, in manner aforesaid, and at such other times as they shall be summoned by the managers, in such manner and form as shall be prescribed by their by-laws; at which annual or special meetings they shall have full power and authority to make, alter or repeal, by a majority of votes in manner as aforesaid, all such by-laws, rules, orders and regulations made as aforesaid, and to do and perform any other corporate act.
Powers.	
Certificates of stock.	SECTION 5. The president and managers first chosen as aforesaid, shall procure certificates, to be written or printed, for all the shares of stock of the said company, and shall deliver one such certificate, signed by the president and countersigned by the treasurer, and sealed with the common seal of the said corporation, to each person for every share by him subscribed and held; which certificate shall be transferable at his pleasure, in person or by attorney, in the presence of the president
Transferable.	

or treasurer; subject, however, to all payments due and to become due thereon; and the assignee holding any certificate, having first caused the assignment to be entered in a book of the company, to be kept for the purpose, shall be a member of the corporation; and for every certificate by him held, shall be entitled to one share of the capital stock, and of all the estates and emoluments of the company, and to vote as aforesaid, at the meetings thereof.

SECTION 6. If after thirty days' notice in two of the public newspapers of Blair county, of the time and place appointed for the payment of the proportions or instalment of the said capital stock, in order to carry on the work, any stockholder shall neglect or refuse to pay any such instalment at the place appointed, for the space of thirty days after the time so appointed, every such stockholder or his assignee shall, in addition to the instalments so called for, pay after the rate of two per cent. per month, for delay of such payment; and if the same and the said additional penalty shall remain unpaid for such space of time as that the accumulated penalties shall become equal to the sums before paid in part and on account of such shares, the same shall be forfeited to said company, and may and shall be sold to any person or persons willing to purchase, for such as can be obtained for them, or said corporation may retain said stock so forfeited, for the common use and benefit of the corporators.

SECTION 7. The said president and directors shall meet at such times and places as shall be fixed by their by-laws, and when met, four members shall form a quorum if the president is in attendance; if in the absence of the president, it shall require the presence of five to constitute a quorum, who in the absence of the president, may choose a chairman, and shall keep minutes of all the proceedings fairly entered in a book, and a quorum being formed, they shall have full power and authority to appoint all such surveyors, engineers, superintendents and other artists and officers as they shall deem necessary to carry on the intended works, and fix their salaries and wages, to ascertain the times when, and the proportions in which the stockholders shall pay the moneys due on their respective shares, in order to carry on the work, to draw orders on the treasurer for moneys necessary to pay the salaries or wages of persons by them employed, and for labor done, and materials provided in the prosecution of the work, which orders shall be entered on their book of minutes, and shall be signed by the president, or in his absence, by a majority of the board, and countersigned by the secretary; and generally, to do all such other acts, matters and things as by this act and the by-laws, rules, orders and regulations of the company shall be committed to them.

SECTION 8. It shall be lawful for the said president and managers to cause a road to be laid out forty feet wide, and at least sixteen feet thereof to be made an artificial road, bedded with stone, wood, gravel or other hard substance well compacted together, and of sufficient depth to secure a solid foundation to the same; and the said road shall be faced with gravel or stone broken and pounded, or other small hard substance, in such manner as to secure a firm, and as nearly as the material will admit of, an even surface, rising towards the middle by a gradual arch, and so nearly level in its progress, as that it shall in no place rise or fall more than will form an angle of four degrees with an horizontal line, and shall forever hereafter maintain and keep the same in good and perfect order and repair, from the town of Martinsburg, thence by M'Kee's Gap to a point on the Holidaysburg and Bedford turnpike road, at or near Leamer's tavern house, in said county of Blair.

Enter upon  
lands.

Payment of dam-  
ages.

Proviso.

Governor to ap-  
point viewers.

To grant license  
to take toll.

Toll-gatherers.

SECTION 9. It shall be lawful to and for the said president and the managers, by and with their superintendents, engineers, artists, workmen and laborers, with their tools and instruments, carts, wagons, wains and other carriages and beasts of draft or burden, to enter upon the lands in, over, contiguous and near to which the route and track of the said intended road shall pass, first giving notice of their intention to the owners thereof or their representatives, and doing as little damage thereto as possible, and repairing any breaches they may make in the enclosures thereof, and making awards for any damages that may be done to any improvements thereon, and also for the value of the materials by appraisements, to be made in the manner hereinafter directed, or upon reasonable agreement if they can agree; or if they cannot agree, then upon an appraisement to be made upon oath or affirmation by three disinterested and reputable freeholders, to be chosen by the parties, whose award or the award of any two of them shall be final and conclusive; and it shall be the duty of the appraisers in making their estimate of the value of materials, or damages done to improvements, to take into consideration the advantages and benefits of the said road to the owner of said improvements, land or materials, and make their award upon that basis; and if either the said president and managers, or the said owners aforesaid, shall upon due notice, neglect or refuse to join in the choice of the arbitrators, then it shall and may be lawful for either of the parties to call upon the sheriff of the county of Blair, to appoint and notify the said freeholders to set as arbitrators in the case, and to give them and the parties notice of the time and place of meeting; and for so doing, he shall be allowed the fees now fixed by law for similar services, to be paid by the party against whom the award is made; that is to say, if the said arbitrators shall award more than the said company offered to pay, then the said costs shall be paid by said company; if otherwise, then by the said owners; and when the award in favor of the owners is made, and upon tender of the value so appraised as aforesaid, it shall and may be lawful for the said president and managers, or for any person or persons by his or their directions, to dig, take and carry away any stone, gravel, sand or earth, then being most conveniently situated for making or repairing the said road: *Provided*, That no part of this act shall authorize the taking of any property by said company, unless the same be previously paid for, or adequate security given to the owner for the payment thereof.

SECTION 10. So soon as the said president and managers and company shall have perfected two and a half connected miles of said road, leading from Leamer's tavern to Martinsburg, they shall give notice thereof to the governor of the commonwealth, who shall thereupon forthwith nominate and appoint three disinterested persons to view and examine the same, and report to him in writing whether the said road is so far executed in a workmanlike and proper manner, according to the true intent and meaning of this act; and if the report shall in either case be in the affirmative, then the governor shall by license, under his hand, and the lesser seal of this commonwealth, permit and suffer the said president, managers and company to erect and fix a gate upon and across said turnpike road, and collect the tolls and duties hereinafter granted to said company, from all persons traveling on the same with horses, carts and wagons, et cetera; and the said persons appointed by the governor as aforesaid, shall report to him of each two and a half connected miles of said road finished and completed.

SECTION 11. When the said company shall have been licensed as aforesaid, it shall and may be lawful for them to appoint such and so many toll-gatherers as they shall think proper, to receive and collect of

and from all and every person and persons using the said road, the tolls and rates hereinafter mentioned, and to stop any person riding, leading or driving any horses, cattle, hogs, sheep, coach, coachees, sulkey, chair, chaise, phaeton, cart, wagon, train, sleigh, sled or any other carriage of burden or pleasure, from passing through the said turnpike and gates, until they shall respectively have paid the same: that is to say, for every five miles in length of the said road, completed and licensed as aforesaid, the following sums of money, and so in proportion for any lesser distance, or for any greater or lesser number of sheep, hogs or cattle, to wit: For every score of hogs, six cents; for every score of sheep, six cents; for every score of cattle, twelve cents; for every horse and his rider, or led horse, two cents; for every sulkey, chair or chaise, with one horse and two wheels, six cents; and with two, nine cents; for every chariot, coach, phaeton or dearborn, with one horse and four wheels, nine cents; for every coach, chariot, phaeton or chaise with two horses and four wheels, twelve cents; for either of the carriages last mentioned, with four horses, twenty cents; for every other carriage of pleasure or traveling, under whatever name it may go, the like sums according to the number of wheels and horses drawing the same; for every stage wagon with two horses, twelve cents; and for every such wagon with four horses, twenty cents; for every sleigh, three cents for each horse drawing the same; and for every sled two cents for each horse drawing the same; for every cart or wagon whose wheels shall not exceed four inches in breadth, six cents for each horse drawing the same; and for every cart or wagon whose wheels shall exceed four inches, and not exceed seven inches, four cents for each horse drawing the same; for every cart or wagon, the breadth of whose wheels shall be more than seven inches, and not more than ten inches, and being of the breadth of seven inches, shall roll more than ten inches, three cents for each horse drawing the same; for every cart or wagon, the breadth of whose wheels shall be more than ten inches, and not exceeding twelve inches, or being ten inches, shall roll more than fifteen inches, for every horse drawing the same; and if any person shall represent to the said company, or any of their officers, that he, she or they have traveled a less distance than he, she or they have actually traveled along said road, with intent to defraud said company of its toll, or any part thereof, such person or persons shall for every such offence forfeit and pay to the use of said company, the sum of five dollars; and if any toll-gatherer shall demand and receive toll for a greater distance than the person of whom such toll is demanded, shall have traveled along said turnpike road, or shall demand and receive greater toll from any person or persons than such toll-gatherer is authorized to demand and receive by virtue of this act, such toll-gatherer shall forfeit and pay the sum of ten dollars for every such offence, to the supervisors of the township in which the forfeiture is incurred, to be expended in repairing township roads, and for the payment of which the said company shall be responsible.

**SECTION 12.** All such carriages as aforesaid, to be drawn by oxen in the whole, or partly by oxen and partly by horses, two oxen shall be estimated as equal to one in charging all the aforesaid tolls, and every mule equal to one horse.

**SECTION 13.** If the said company shall neglect to keep the said road in good repair for the space of thirty days, and information thereof shall be given to any justice of the peace of the neighborhood within the county aforesaid, when repair ought to be made, such justice shall issue, by precept, to be directed to any constable, commanding him to summon three disinterested persons, to meet at a certain time in said

Tolls.

Penalties for violations.

Tolls on oxen and mules.

To keep the road in repair.

Proceedings on

precept to be mentioned, at the place in said road which shall be complained, of which meeting notice shall be given to the keeper of the gate or turnpike nearest thereto, within the said county; and the said justice shall, at such time and place, on the oaths or affirmation of the said persons, inquire whether the said road, or any part thereof, is in such good and perfect order and repair as aforesaid, and shall cause inquisition to be made under the bonds of himself and a majority of the said persons; and if the said road shall be found by the said inquisition to be out of order and repair, contrary to the true intent and meaning of this act, the said justice shall certify and send one copy of the inquisition to each of the keepers of the turnpikes or gates between which such defective place shall be; and from thenceforth the tolls heretofore and hereby granted to be collected at such turnpike gates, shall cease to be demanded, paid or collected, until the said defective part shall be put in good order and perfect repair as aforesaid; and if the same shall not be so put into good and perfect order and repair, before the next general court of quarter sessions of the peace, to be held for the county of Blair aforesaid, in which the defect is proved to be, the aforesaid justice shall certify and send a copy of the inquisition aforesaid to the justices of the said court; and the said justices shall thereupon cause process to issue, and bring in the body or bodies of the person or persons entrusted by the company, with the care and superintendence of such part of the said road as shall be found defective, and proceed thereon as in cases of supervisors of highways, for neglect of their duty; and if the person or persons entrusted by the said company as aforesaid, shall be convicted of the offence by the said inquisition charged, the said court shall give judgment according to the nature and aggravation of the neglect, as according to right and justice would be proper in the case of supervisors of the highways neglecting their duties; and the fines and penalties so to be imposed, shall be recovered in the same manner as fines for misdemeanors are usually recovered in the said court, and shall be paid to the supervisors of the highways of the township wherein the offence was committed, to be applied to the repairing of the public roads.

Penalty for evading the payment of tolls.

SECTION 14. If any person or persons whosoever, owning, riding or driving any sulkey, chair, chaise, phaeton, cart, wagon, wain, sleigh, sled, or other carriage of burden or pleasure, riding or leading any horse, mule, mare or gelding, or driving any hogs, sheep or other cattle, shall therewith pass through any private gates or bars, or along or over any private gates or bars, or along or over any private passage way or other ground, near to or adjoining any turnpike or gate erected, or which shall be erected in pursuance of this act, with any intent to avoid the payment of the toll, or duty for passing through any such gate or turnpike; or if any person or persons shall with such intent take off, or cause to be taken off, any horse, mule, mare or gelding, or other cattle, from any sulky, chair, chaise, phaeton, cart, wagon, sleigh, sled, or carriage of burden or pleasure, or practice any other fraudulent means of device, with the intent that the payment of any duty or toll may be avoided or lessened, all and every person or persons, in all or every, or any of the ways or means offending, shall, for every such offence respectively, forfeit and pay to the president and managers and company of the Morrison's Cove turnpike road, any sum not exceeding ten dollars, to be sued for and recovered with costs of suit, before any justice of the peace, in like manner, and subject to the same rules and regulations, as debts of similar amount are by law sued for and recovered: *Provided always*, That if any person or persons shall be prosecuted under this section of this act, and the said prose-

Proviso.

cution shall not be sustained on the part of the prosecutors, then in that case the person or persons prosecuted as aforesaid, shall receive from the company the sum of five dollars in lieu of damages, arising from delay and vexatious prosecution, recoverable as other fines under this act: *And provided further*, That all ministers of the gospel at any time, and all other persons who may be traveling on or over said road, either to or from a religious meeting, shall be exempt from the payment of any of the aforesaid toll or duty, as in the preceding sections fixed and required of others. Proviso.

SECTION 15. The president and managers of the said company shall keep fair and just accounts of all moneys received by them from commissioners, and from the subscribers to the said undertaking, on account of the several subscriptions, and of all penalties for the delay of payment thereof, and of the amount of profits on the shares which may be forfeited as aforesaid; and also all moneys by them expended in the prosecution of their said work, and shall once at least in every year submit such account to a general meeting of the stockholders, until the said road shall be completed, and until all costs, charges and expenses of effecting the same, shall be fully paid and discharged, and the aggregate amount of expenses shall be liquidated and ascertained. Keep fair accounts.

SECTION 16. If the said company shall not proceed to carry on said work within five years after the passage of this act, or shall not within ten years afterwards complete the same, according to the true intent and meaning of this act, then or in either of those cases, all and singular the rights, liberties, privileges and franchises hereby granted, shall revert to the commonwealth. Limitation.

SECTION 17. That the legislature hereby reserves the right to alter, revoke or annul this charter and the privileges hereby granted, whenever, in their opinion, the same may be injurious to the citizens of this commonwealth; in such manner, however, that no injustice shall be done to the corporators; and that no private property shall be taken by said corporation without making compensation to the owners thereof, or giving adequate security therefor before such property shall be taken. Reservation.

SECTION 18. From and after the passage of this act, the several courts in the county of Blair shall commence and be held on the third Monday of March, the fourth Monday of July, the third Monday of October, and the third Monday of December, in each year, and continue one week, if necessary; and any and every law in relation to the time of holding courts in said county hereby altered and supplied, be and the same is hereby repealed. Time of holding courts in Blair county, changed.

WILLIAM F. PACKER,  
*Speaker of the House of Representatives.*

WM. F. JOHNSTON,  
*Speaker of the Senate.*

APPROVED—The eleventh day of April, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.



No. 383.

AN ACT

Authorizing the governor to incorporate a company to erect a bridge over Bennett's Branch of the Sinnemahoning, at Caledonia, in Elk county.

**Commissioners.** *SECTION 1. Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* Ignatius Garner, George Wise, Gerhand Schoening, Joseph Ganser, Adam Volman, George Schaefer, George R. Barret, all of Elk and Clearfield counties, or a majority of them, be and they are hereby appointed commissioners to do and perform the several duties hereinafter mentioned; that is to say, they shall on or before the first day of June next, provide a book or books for entering of subscriptions, and shall write therein as follows:—"We whose names are hereunto subscribed, do promise to pay to the president and managers of the Caledonia bridge company, for erecting a bridge over Bennett's Branch of the Sinnemahoning, at or near Caledonia, in the county of Elk, the sum of ten dollars for each share of stock in the said company set opposite our respective names, in such manner and proportions, and at such times, as shall be determined on by the president and managers, in pursuance of an act of the general assembly, entitled 'An Act authorizing the governor to incorporate a company to erect a bridge over Bennett's Branch of Sinnemahoning creek, in the county of Elk.' Witness our hands this                      day of                      in the year of our Lord one thousand eight hundred and                      ;" and shall thereupon give notice in ten printed or written advertisements in Elk county, at least one month, of the times and places where and when the said books shall be open to receive subscriptions; at which times and places some one or more of the said commissioners shall attend for that purpose, and keep open the said books during six hours in each of three successive days, or until fifty shares shall be subscribed; and if fifty shares shall not be subscribed within that period, then the said commissioners may adjourn from time to time, until the said number of shares shall be subscribed, of which adjournment, public notice shall be given in some one or more of the newspapers before mentioned: *Provided always,* That every person on entering his name in the said books as a subscriber, shall pay two dollars on each share he shall subscribe for, as a fund out of which shall be defrayed the expenses attending the taking of subscriptions and other incidental charges, and the remainder shall be paid over to the treasurer of the corporation, as soon as the same shall be organized; such first payment on each share, to be taken and considered as a part payment on each share subscribed.

**Duties.**

**Form of sub-  
scription.**

**Notice.**

**Proviso.**

**Letters patent.**

**Style.** *SECTION 2. As soon as fifty shares shall have been subscribed, the said commissioners, or a majority of them as aforesaid named, may certify the same, together with a list of the subscribers, and the shares subscribed by each, in writing to the governor, who thereupon shall constitute the said subscribers, and also all those who may in future subscribe under the provisions of this act, a body corporate or politic, by the name and style of the president and managers of the Caledonia bridge company, for erecting a bridge over the Bennett's Branch of the*



Sinnemahoning river, at or near the mouth of Elk creek, in the county of Elk, with all the privileges incident to a corporation, who shall have perpetual succession, and shall be capable of taking and holding the said capital stock, and the increase and profits thereof, and of enlarging the same by new subscriptions, if such enlargement shall be necessary to fulfil the purposes of this act, in such manner and form as they may think proper, and of purchasing, taking and holding to them and to their successors and assigns, in fee simple, or for any less estate, all such lands, tenements or hereditaments, real or personal, as shall be necessary and convenient for them in the prosecution of their work, and the same to sell and dispose of at their pleasure, of suing and being sued, and of doing all and every other matter and thing which a corporation or body politic may lawfully do. Privileges.

SECTION 3. Any ten of the persons named in the letters patent of incorporation shall, as soon as conveniently may be after sealing the same, give notice in ten or more printed or written advertisements, of a time and place to be appointed, not less than twenty days from the time of issuing said notice; at which time and place the said subscribers shall proceed to organize the corporation, and shall choose by a majority of votes of the said subscribers, taken by ballot, to be delivered either in person or by proxy duly authorized, one president, three managers, one person for secretary and treasurer, and such other officers as they may think necessary to conduct the business of the company during one year, and until other officers be chosen; and shall have power to make such by-laws, rules, orders and regulations not inconsistent with the constitution and laws of this state, or of the United States, as may be necessary for the well ordering the affairs of the company: *Provided always*, That no stockholder shall have more than one vote for each share, not exceeding five shares, and one vote for every two shares above five, and not exceeding eleven, and one vote for every three shares above eleven, and not exceeding twenty, and one vote for every five shares above twenty: *Provided also*, That no person shall have more than twenty votes at any election, or in determining any question arising at such meetings, whatever number of shares he may have subscribed. Organization and election of officers. Proviso. Votes. Proviso.

SECTION 4. A public meeting of said stockholders shall be held on the first Monday of August next following the first election had as aforesaid, and on the first Monday of June in every succeeding year, at such place as shall be fixed by the rules and orders of the said company, for the purpose of choosing officers for the ensuing year, and the determination of any question affecting the interest of said company. Special meeting. Annual meeting.

SECTION 5. The president and managers shall procure printed certificates for all the shares of stock in the said company, which shall be signed by the president, and countersigned by the treasurer, and sealed with the seal of the corporation, and each subscriber shall be entitled to one such certificate for each share by him subscribed for, on paying to the treasurer in part of the sum due thereon, two dollars on each share; which certificates shall be transferable either by the owner in person or by his attorney duly authorized, in the presence of the president or of the treasurer for the time being, subject however to the payments due, or that may grow due thereon; and the persons to whom such transfer shall be made, shall stand in the place of the former holder of the certificate, and be entitled to the same privileges in the company. Certificates of stock. Transferable.

SECTION 6. The president and managers shall meet at such times and places, and be convened in such manner as shall be agreed on for transacting the business of the company; at which meeting three members Quorum.

Powers.

shall be a quorum, who in the absence of the president shall choose a chairman, and shall keep minutes of their proceedings, to be fairly entered in a book to be kept for that purpose ; and a quorum being met, they shall have full power and authority to appoint such engineers, assistants and workmen, as they shall deem necessary to the erection of said bridge, and they shall fix their salaries and wages; they shall also have power to make contracts, to ascertain the times, manner and proportions in which the stockholders shall pay the money due on their respective shares, to draw orders on the treasurer for the money necessary to pay salaries, wages and bills for work done and labor performed, or materials furnished, which orders shall be signed by the president, or in his absence by a majority of a quorum, and countersigned by their clerk ; and to do and transact all such other matters and things as by this act, or by the by-laws of the company, shall be committed to him.

Payment of instalments regulated.

SECTION 7. If any stockholder after thirty days' notice in a printed or written notice of the time and places appointed for the payment of any proportion, dividend or instalment of said capital stock still due on each share, shall neglect to pay the same for the space of thirty days after the day whereon the same shall be appointed to be paid, every such stockholder shall, in addition to the instalment so called for, pay at the rate of four per cent. per month, for every delay of such payment; and if the same, and the said additional penalties shall remain unpaid so long that the accumulated penalties shall become equal to the sum already paid on such share, the same shall be forfeited to the company, and may be sold under the direction of the president and managers, or the majority of a quorum of them, at any of their meetings for transacting the business of the company; the order for that purpose being first entered in the minute book by the clerk at such meeting.

Purchase lands.

Damages to be ascertained and paid.

SECTION 8. Before the president and managers of the company aforesaid, shall proceed to build said bridge, it shall and may be lawful for them to contract with the owner or owners of any land, for the purchase of so much thereof as shall be necessary for the purpose of erecting and completing said bridge, and making all the necessary works and causeways to and from the same, if they can agree with the said owner or owners; but in case they cannot agree, then it shall and may be lawful for the said president and managers to apply to the court of common pleas of Elk county, who upon such application, are hereby authorized and required to appoint two discreet and disinterested freeholders of this state, and also to call upon the owner or owners of said lands, whose duty it shall be to appoint one, who after being duly sworn or affirmed faithfully to perform the duties enjoined on them by this act, shall carefully proceed to view and examine the said lands as shall be necessary for the purpose of erecting and completing the said bridge, and making all the necessary works and causeways to and from the same, and shall, according to the best of their skill and judgment, estimate the value of the lands so necessary to be taken as aforesaid; and having estimated the advantages as well as the disadvantages which may be sustained by the owner or owners of such lands, shall make an appraisement thereof in writing, and the same shall return together with the map describing the bounds of such lands, to the said court of common pleas; and the said appraisement having been confirmed by the court, shall be filed in the prothonotary's office, together with the said map; and the said president, managers and company having paid to the said owners, respectively, the several sums awarded to be paid to them, together with the costs of appraisement, the said corporation shall be entitled to have and to hold, to them and their succes-

sors and assigns, the said lands as fully as if they had been granted by their respective owners.

**SECTION 9.** The president and managers of said company, shall keep Accounts. fair and just accounts of all moneys received by them from the subscribers to the capital stock of said company, for all penalties for delay in payment thereof, and of the amount of the profits on shares which may be forfeited as aforesaid, of all voluntary contributions, and of all moneys expended by them in the prosecution of the said work, and shall once in every year submit such accounts in detail to a general meeting of the stockholders, until the said bridge be completed; and all expenses incurred in erecting the same, shall be fully paid and discharged, and the aggregate amount of all such expenses shall be liquidated and ascertained, and if such liquidation, or whenever the whole capital stock of the said company be nearly expended, it shall be found that the said capital stock will not be sufficient to complete said bridge, according to the true intent and meaning of this act, it shall be lawful for the said company, at a stated or special meeting, to be convened according to the provisions of this act, or their own by-laws, to increase the number of shares to such extent as shall be deemed sufficient to accomplish the work, and to demand and receive the moneys subscribed on such shares, in like manner and under like penalties as are herein provided for the original subscription. Increase capital stock.

**SECTION 10.** When the Caledonia bridge company shall have erected and completed a bridge at the place aforesaid, the property thereof shall be vested in the said company, and their successors and assigns, during and unto the end of forty years, to commence from the time when said bridge shall be completed; and the said company, their successors or assigns, are hereby empowered to erect gates and demand and receive tolls as follows, viz: For every foot passenger, four cents; for every carriage or wagon used for the purpose of agriculture, having four wheels, eight cents for each horse drawing the same; for every carriage, wagon or cart used for the purpose of agriculture, having two wheels, eight cents for each horse drawing the same; for every carriage used for personal accommodation or pleasure, having four wheels, twenty cents for each horse drawing the same; for every carriage having two wheels, used for personal accommodation or pleasure, twenty cents for each horse drawing the same; for every sleigh or sled, fifteen cents for each horse drawing the same; for every horse, mare or gelding, with or without rider, six cents; for every carriage drawn by oxen, or partly by oxen and partly by horses, to be rated in proportion of two oxen for one horse, and in all cases a mule shall be rated in the same proportion as a horse; for every head of horned or muley cattle, four cents; for every head of sheep or swine, two cents: *Provided*, That any person or persons attending funerals, going to or returning from divine worship, elections or military trainings, and students and children attending schools or seminaries of learning, shall at all times be exempted from the payment of toll: *Provided*, That nothing in this act shall be so construed as to prevent the said company from contracting with any person or persons desirous of using said bridge, for an annual sum in place of the toll hereinbefore mentioned: *And provided also*, That the cost of the erection of said bridge shall be filed in the office of the commissioners of Elk county; and the commissioners of said county are hereby authorized to purchase, and the said bridge company are required to sell and deliver up to the said commissioners, the said bridge, on the payment of cost and interest; and when so given up to the commissioners of said county, it shall thereafter be a county Tolls. Proviso. Proviso. Proviso.

bridge, and the commissioners of the said county shall keep the same in good repair thereafter.

Penalty for ex-  
tortion.

SECTION 11. If the said company, their successors or assigns, or any person employed by them, shall collect or demand any greater rate or prices for passing over said bridge than what is hereinbefore prescribed, or shall neglect to keep said bridge in repair, he or they shall forfeit and pay for every such offence the sum of twenty dollars, to be recovered before any justice of the peace of said county, one-half whereof to be paid to the overseers of the poor of the township of Jay, and the other half to the person who may sue for the same: *Provided always*, That no suit shall be brought in respect of this, unless within fifteen days after the offence be committed: *And provided also*, That the judgment of the said justice, in any case brought before him, shall be liable to revision, either by appeal to the court of common pleas of said county, if the merits of the case be contested, or by certiorari, if the legality of his proceedings or jurisdiction be disputed.

Proviso.

Proviso.

SECTION 12. The said president, managers and company shall keep a just account of all moneys received by their several collectors of tolls for crossing the said bridge, and shall declare and make a dividend of the income and profits thereof, among all the subscribers to the said company's stock, in proportion to their respective shares, first deducting all contingent costs and charges, and such proportion of the income as may be sufficient, for a fund to provide against the decay of the said bridge, and for the repairing or re-building of the same, as time and accident may render necessary; and shall on the first week of June of every year, publish the dividend to be made of the clear profits arising from the tolls, among the stockholders, and of the time and place when and where the same shall be paid, and shall cause the same to be paid accordingly, in ten days thereafter, or as soon as the same shall be demanded.

Dividends.

Enter upon  
lands.

SECTION 13. It shall and may be lawful for the president and managers, their superintendents, surveyors, engineers, artists and hands, when so directed or authorized by the president and managers, to enter in and upon all the lands, tenements and enclosures, for the examination and location; and they shall have full liberty to take and carry away all stone, gravel and other materials necessary for the completion of said bridge, paying a just compensation for the same; and in case of the refusal to pay the owner of the said material therefor, suit may be sustained and recovery had in like manner as other debts are now recoverable by law.

Commissioners  
and supervisors  
may subscribe.

SECTION 14. The commissioners of the county of Elk, and the supervisors of the township of Caledonia, are authorized and empowered to subscribe to the capital stock of said company such number of shares as they may deem right and proper; in which event the commissioners of said county, or the supervisors of the said township, shall have the right to vote at the elections of said company, under the same provisions as private individuals.

Wilful injuries  
punishable.

SECTION 15. If any person or persons shall wilfully pull down, break or destroy, with intent to injure, any part or parts of the said bridge, or any toll house, gates, bars or other property of the said corporation, erected for the use of said bridge or the persons employed in conducting the business thereof, or shall wilfully deform or destroy the letters or figures in any list of the rates of tolls affixed in any place for the information of passengers, or who shall wilfully or maliciously obstruct or impede the passage on or over the said bridge, or any part or parts thereof, he, she or they so offending, shall each of them forfeit and pay for every such offence, to the said corporation, the sum of thirty dollars, to be sued for and recovered before any justice of the

peace or alderman, as debts of like amount are recoverable; and he, she or they so offending shall remain liable to actions at the suit of said corporation, for such wrongs, if the said sum or sums herein mentioned be not sufficient to repair and satisfy said damages: *Provided always*, That no such suit shall be brought unless within thirty days Proviso. after such offence shall have been committed; and the judgment of the said justice or alderman shall be liable to reversal, as provided for in similar cases by law.

SECTION 16. The said company shall not have power to issue any Limitation of note or notes, in the nature of bank notes, or to make discounts or powers. receive deposits after the manner of any bank or banks, or to do or conduct any other business in the nature of banking business; and in case they should do so contrary to the provisions of this section, then their chartered privileges shall be null and void.

SECTION 17. If the president, managers and company for erecting Time of com- the bridge aforesaid over the Bennett's Branch of the Sinnemahoning mencement and river, shall not proceed to carry on the said work within the space of completion lim- five years from the passing of this act, and shall not within the space ited. of six years from the passing thereof, complete the same, it shall and may be lawful for the legislature of this commonwealth to resume all and singular the rights and privileges hereby granted to said company.

SECTION 18. That the legislature shall have power to alter the rate Power to alter of tolls fixed by this act; and the managers of said company may lessen tolls. the same whenever they shall believe it necessary for the well being of the company or the community at large.

WILLIAM F. PACKER,  
*Speaker of the House of Representatives.*

WILLIAM WILLIAMSON,  
*Speaker of the Senate.*

APPROVED—The eighth day of March, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

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No. 384.

## AN ACT

To incorporate the Equitable life insurance company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* William Stewart, Robert Adams, John Irwin, William Craig, George Commissioners. N. Diehl, Robert Walsh, William W. Haly, Peter Cullen, William G. Alexander, Robert Morris, William Abbott, Joseph T. Thomas, Charles D. Lamb, Peter Rambo, Edward C. Markly and Mathew Vanduzen, or any five of them, be and they are hereby authorized and empowered to receive subscriptions to the capital stock of a company,

Form of sub- scription.	to be denominated the “Equitable life insurance company,” who shall procure suitable books and therein enter as follows : “ We whose names are hereunto subscribed, do promise to pay to the president and managers of the Equitable life insurance company, the sum of twenty-five dollars for every share of stock set opposite to our respective names, in such manner, and in such proportions, and at such times as shall be determined by the president and managers of the said company, in pursuance of an act of the general assembly of the commonwealth of Penn- sylvania, entitled ‘An Act to incorporate the Equitable life insurance company.’ Witness our hands this                      day of                      in the
Notice of open- ing books.	year eighteen hundred and forty-eight ;” and shall thereupon give notice in two newspapers published in the city of Philadelphia, for at least ten days previous, of the time and place where the said book shall be kept open to receive subscriptions for the stock of the said company ;
Who may sub- scribe.	at which time and place one or more of the said commissioners, or their secretary, shall attend and permit all persons of lawful age who shall offer to subscribe in the said book, in their own name or in the names of any other persons who shall authorize the same, for shares in said stock ; and the said book shall be kept for the said purpose, at least six hours in each juridical day, for the space of two days, or until
Number of shares	ten thousand shares at twenty-five dollars per share, shall be subscribed for, which ten thousand shares, at twenty-five dollars per share, are to be the capital of the said company ; if the whole number of shares shall not be subscribed for during two days before mentioned, the afore- said named, or any five of them, shall have power to re-open said books at any time or times, place or places, as they may deem expedient, and keep the same open until the whole number of shares are subscribed for : <i>Provided</i> , That all acts which said above named persons, or any
Proviso.	five of them, are authorized to do, shall be as efficient and valid as if performed by a majority of the whole or a committee appointed.
Letters patent.	SECTION 2. When five hundred shares of said capital stock shall have been subscribed for, and five dollars per share paid in on said capital stock, the above named persons, or a majority of them, shall certify to the governor, under their hands and seals, the names of the subscribers, and the number of shares subscribed for, and the amount paid in by them respectively; and the governor shall thereupon by let- ters patent under his hand and seal of the state, erect and create said subscribers, and those who may hereafter become associated with them by virtue of this act, and their successors, into one body politic corpo- rate in deed and in law, by the name and style of the “Equitable life insurance company ;” and the said subscribers, their associates and successors, shall have perpetual succession, and be able to sue and be sued, plead and be impleaded in all courts of record and elsewhere, and to purchase, hold, use, occupy, possess and enjoy to them and to their successors, lands, tenements, hereditaments, goods, chattels and effects or choses in action, and all other property of what nature and kind soever, real, personal and mixed, and the same from time to time sell demise, grant, alien and dispose of : <i>Provided</i> , That the yearly income of the real estate so held, except it be such as shall or may be conveyed to said company as security for or in payment of any debt due, or towards satisfying any judgment or execution held by said company, shall not exceed such sum as shall be required for transact- ing the necessary and legitimate purposes thereof as a life insurance company, and no other.
Style.	
Privileges.	
Proviso.	
Additional pow- ers.	SECTION 3. In addition to the general powers and privileges of a cor- poration, as the same are disclosed by the foregoing section, the cor- poration hereby erected, shall have the power to insure the respective

lives of its members and others, and to make all and every insurance appertaining to life risks, of whatever kind or nature, and to receive and execute trusts, to make endowments, and to grant and purchase annuities.

SECTION 4. All persons who shall hereafter insure with said corpor- Who may be-  
ation, and all their heirs, executors, administrators and assignees con- come members.  
tinuing to be insured in said corporation as hereafter provided, shall  
thereby become members during the period they shall remain insured  
by the said corporation, and no longer.

SECTION 5. All the corporate powers of the said company shall be Powers to be ex-  
exercised by a board of trustees, and such officers and agents as they exercised by a board  
may appoint; the board of trustees shall consist of six persons and a of trustees.  
secretary. They shall annually elect from among the members of the  
corporation, a president and vice president, who shall continue in office  
for the term of one year or until others be elected in their stead, and  
they shall have power to declare by by-laws, what number of trustees  
less than a majority of the whole, shall be a quorum for the transaction  
of business.

SECTION 6. The persons named in the first section of this act shall Present board.  
constitute the first board of trustees.

SECTION 7. The trustees shall be elected annually by ballot, on the Annual election.  
second Monday in December, by the stockholders, or by their legally  
constituted agents, and each share of the stock shall entitle the holder  
thereof to one vote at the elections, to be held at the office of the com-  
pany, at a general meeting of the stockholders convened for that pur-  
pose, by ten days' public notice in two or more of the daily papers of  
the city of Philadelphia: *Provided*, That if it should happen at any Proviso.  
time that an election of trustees should not be made when pursuant to  
this act it should have been made, the company for that cause shall not  
be dissolved; and it shall be lawful within forty days therefrom, to hold  
and make an election for trustees in such manner as the by laws of the  
company may prescribe, and the president and trustees for the time  
being, shall be continued in office until such elections take place; and  
in the event of death, resignation, or removal of any director from office,  
his place for the remainder of the term, may be filled by the president  
and directors for the time being, in manner such as the by-laws may  
prescribe.

SECTION 8. The president and trustees shall have power to appoint Appoint officers.  
a secretary and such other agents and clerks as may to them appear  
proper, to fix their compensation, and pay the same, and discharge  
such clerks or agents; and the capital stock shall be called in, and paid  
in such instalments, and at such times and places as the president and  
trustees for the time being, may require and designate, who shall give  
fifteen days' notice thereof in two or more of the daily papers of the Instalments.  
city of Philadelphia; and if any stockholder, subscriber, their assignee  
or transferee shall refuse or neglect to pay such proportion or instal-  
ment at the time and place appointed, such stockholder, subscriber,  
assignee, or transferee shall at the option of the president and trustees,  
forfeit to the use of the company all his, her, or their right, title and  
interest in and to every share on which such instalment has not been  
duly made, and fresh subscription may be opened for the same in such  
manner as the by-laws may prescribe; or the president and trustees may  
at their option commence suit for the same, and recover against the  
holder of such stock for the amount of the instalment or proportion so  
unpaid: *Provided*, That no stockholder or subscriber shall be per- Proviso.  
mitted to vote at any election for trustee, or general or special meeting  
of the company, on whose share any instalment or arrearages may be



due more than ten days previous thereto, nor shall any stockholder vote at any such meeting or election, whose stock has not been standing in their name on the books of the company, at least thirty days.

Increase capital stock.

SECTION 9. It shall be lawful for the said president and trustees to invest and improve their capital stock, and all money received for premiums or otherwise, in the funded debts of the United States, or of the state of Pennsylvania, or other of the United States, of the county of Philadelphia, city of Philadelphia, or other counties or cities of the United States, and in bonds and mortgages and ground rents, and the same to sell, transfer, change or re-invest as the trustees may deem proper: *Provided*, That every regulation which the board of trustees may make in regard to the declaring of dividends, or the accumulation or diminution of the funds of the company, shall be binding on all: *Provided further*, That if the company shall at any time fail to meet its engagements, each stockholder shall be liable, in his individual capacity, for the debts of the company, to the amount of the balance unpaid by him or her on stock held: *Provided*, That nothing herein contained shall be so construed as to give the said company discounting or banking privileges.

Proviso.

Proviso.

Stock transferable.

SECTION 10. The stock of the said company shall be transferred on the books of the said company, in such manner only as the by-laws of the company shall direct.

In case of death of member, payment to be made to his legal representatives.

SECTION 11. In case of the death of any member of said company, the amount standing to his credit at the time of his death, together with the amount of the policy in his name, shall be paid over to his legal representatives or assignees within ninety days; the profits and accumulation of such persons as have ceased to be members by non-payment of premiums, or a renewal of their policy, agreeably to the by laws of the company, shall be forfeited for the use of the corporation.

Payment of rates.

SECTION 12. Every person who shall become a member of this corporation by effecting insurance therein, shall, the first time he effects insurance and before he receives his policy, pay the rates that shall be fixed upon and determined by the trustees; no member shall be liable for any losses or expenses of said company, beyond the amount of the premium which he may agree to pay said corporation.

Trustees to determine rates.

SECTION 13. The trustees may determine the rates of premiums and terms of insurance, and the sum to be insured.

Statement of affairs.

SECTION 14. Within thirty days after the first Monday in January of each year, it shall be the duty of the officers of the company to cause to be made and printed, in at least one daily newspaper published in the city of Philadelphia, a general balance statement of the affairs of the said company, and deliver to each member upon request a copy thereof.

Rules and by-laws.

SECTION 15. The president and trustees for the time being, shall have power to ordain, establish and put in execution such rules, regulations, ordinances and by-laws as they may deem essential for the well government of the company, not contrary to the constitutions of the United States or state of Pennsylvania; and generally to do and perform all acts, matters and things which a corporation may or can lawfully do.

Business to be carried on, Philadelphia.

SECTION 16. The business of the company shall be carried on at such place in the city of Philadelphia, or elsewhere, by agency, as the trustees shall direct, and at such agencies as they may establish.

Married women may insure the life of her husband.

SECTION 17. It shall be lawful for any married woman, by herself and in her name, or in the name of any third person with his assent as her trustee, to cause to be insured, for her sole use, the life of her husband; and in case of her surviving her husband, the same or net amount



of the insurance becoming due and payable by the terms of the insurance, shall be payable to her, to and for her own use, free from the claims of the representatives of her husband or any of his creditors.

SECTION 18. In case of the death of the wife before the decease of her husband, the amount of insurance may be made payable after death to her children, for their use, and to their guardian under age. In case of her death, payment to be made to her heirs.

SECTION 19. It shall be lawful for any female child by herself and in her name, or in the name of any third person with his assent as her trustee, to cause to be insured for her sole use, the life of her parent; Females may be insured. and in case of her surviving her parent, the sum or net amount of the insurance becoming due and payable by the terms of the insurance, shall be payable to her, and for her own use, free from the claims of the representatives of her parent, or any of his or her creditors.

SECTION 20. If at any time it shall appear to the legislature that said company have abused or misused any of the privileges herein granted, the power to repeal shall not be enforced in such manner as will affect in any way engagements to which the company are a party, nor in any way to do injury to the company, but ample time shall be allowed to wind up its affairs. Reservation.

WILLIAM F. PACKER,  
*Speaker of the House of Representatives.*

WM. WILLIAMSON,  
*Speaker of the Senate.*

APPROVED—The twenty-eighth day of March, one thousand eight hundred and forty-eight.

FRS. R. SHUNK.

## CERTIFICATE.

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SECRETARY'S OFFICE,  
HARRISBURG, *May* 30, 1848. }

I certify, that in obedience to the directions of an act of the General Assembly of the Commonwealth of Pennsylvania, I have collated with, and corrected by the original rolls on file in this office, the proof sheets of the printed copies of this edition of the Laws and Resolutions of the General Assembly, passed during the session ending on the 11th day of April, 1848, including an APPENDIX, containing laws passed at the sessions of 1846 and 1847, upon which the tax has been paid subsequently to the publication of the Pamphlet Laws of 1847.

J. MILLER,  
*Secretary of the Commonwealth.*

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